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This matter comes before the Hearing Officer/Zoning Commissioner for consideration of a Development Plan, configured as a Planned Unit Development ("PUD"), and Petitions for Variance, Special Hearing, and Special Exception for the proposed development of the subject property by Margaret V. Miller, et al., ("Owners") and the Triangle Deer Park Corporation, as the contract purchaser (the "Developer") (the Owners and the Developer are referred to herein collectively as the "Petitioners"). The proposed development, known as "Owings Mills Golf Community" is located on the north side of Lyons Mill Road on both the east and west sides of existing Deer Park Road in the northwest area of Baltimore County (the "subject property"). The Development Plan was prepared by D.S. Thaler & Associates, Inc., engineers, surveyors, landscape architects and land planners. In addition to the zoning, PUD and Development Plan approval

om-golf,002/October 6, 1995

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described above, the Petitioners are also seeking waivers for certain requirements of the Department of Public Works in accordance with §26-172(a) of the Baltimore County Code (the "County Code").

The Development Plan proposes a total of 383 dwellings, a community building, two tennis courts, a swimming pool, and an eighteen hole golf course and an associated clubhouse, together with permitted accessory uses. The Petitioners have filed a Special Hearing seeking approval of the utilization of the available density on the subject property as shown in accordance with the PUD. The variances requested relate to setbacks between side building faces, front yard setbacks with respect to certain structures and for identification and directional signage for the proposed development. The Petitioners seek approval of the Development Plan and the proposed PUD pursuant to §26-206 of the County Code, as well as the zoning relief identified previously. Appearing at the public hearing required for this project were Henry LeBrun and J. Chris Pippen on behalf of the Developer, David S. Thaler and Alan Scoll with D.S. Thaler & Associates, Monica Maloney and Thomas Morris with Exploration Research, Inc., and Mr. Michael Haufler with R.E. Wright & Associates. The Developer was represented by Howard L. Alderman, Jr., Esquire. Numerous representatives of the various Baltimore County agencies who reviewed the Development Plan and plat for zoning relief attended the hearing. In addition, numerous residents of the surrounding communities (the "Neighbors" or "members of the Community") appeared and signed in as citizens, with one member

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identifying herself as a Protestant in this matter (the community's position in this matter is discussed later in this Order). These residents were represented by J. Carroll Holzer, Esquire.

As to the history of this project, a Concept Plan Conference for development of the subject property was conducted on November 14, 1994

As required, a Community Input Meeting ("CIM") was held at the Deer Park Middle School on December 14, 1994. A second Community Input Meeting was held at the Deer Park Middle School on January 4, 1995. Subsequently, the Concept Plan, which includes the Planned Unit Development proposed, was referred to the Baltimore County Planning Board as required by County Code 26-207(a)(5). Between the time of the second CIM and the first Planning Board meeting, the Developer prepared proposed revisions to the Concept Plan based on the comments and issues identified by members of the Community at both CIM's. Following two meetings before the Baltimore County Planning Board, that Board on April 27, 1995, voted to approve the PUD Concept Plan (also identified in the record of this matter as an "authorization plan"), as revised, subject to certain conditions.

Following the decision of the Planning Board, a development plan was submitted and a conference thereon was conducted on August 30, 1995. Following the submission of that plan, development plan comments were submitted by the reviewing agencies of Baltimore County and the State of Maryland, and a revised development plan incorporating those comments and bearing a revision date of September 6, 1995 was submitted at the hearing

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J. Carroll Holzer

held before me on September 21, 1995. The Development Plan, consisting of three sheets, the last of which contained certain cross-sections and elevations as requested by the Office of Planning and Zoning was accepted into evidence at the hearing as Developer's Exhibit Number 1 A, B & C. Testimony and evidence presented was that the subject property is approximately 275 acres in size, 110 \pm acres of which are zoned DR3.5, 125 \pm acres of which are zoned RC-5 and approximately 40 acres of which are zoned RC-4. The property is bordered on the south by Lyons Mill Road, on the east by the existing Lyons Manor Community on the northeast side by Dolfield Road, and on the northwest by Shipes Lane and other properties not part of this proposed development. The Lyons Manor Community is a recent development and will contain approximately 276 single-homes when completed. The subject property is irregular in shape and widely varying topography. Additionally, a portion of the site, along the eastern boundary, has been acquired in fee simple by Baltimore County for the erection of a regional water reservoir to provide sufficient water and water pressure to existing and proposed communities. On the south side of Lyons Mill Road are a variety of single family homes that have been developed over the years. The Developer has proposed two primary points of ingress and egress to the subject property, one from Dolfield Road on the north and the second from Deer Park Road on the southwest.

The review and approval of development projects is regulated by Title 26 of the County Code. Specifically, §26-206 of the County Code mandates that the Zoning

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Commissioner (designated as the Hearing Officer by County Code §26-168) hold a public hearing to take "final action" on a development plan. Moreover, the consideration and review of the zoning relief sought has been combined with the Development Plan Hearing in accordance with County Code §26-206.1. In addition to the other authority granted unto the Hearing Officer, because this Development Plan involves a PUD, the Hearing Officer is authorized to approve the Plan as submitted by the Planning Board, approve the Plan with additional modifications or conditions deemed necessary to meet the standards of County Code §26-206 or deny the Plan. As a preliminary issue, the Hearing Officer must determine whether there are any outstanding issues, comments or conditions proposed by any party and which relate to the development plan. These issues can be raised by the Developer, representatives of the reviewing agencies of Baltimore County and other affected jurisdictions, or the members of the Community. At the hearing on this case, counsel for the Developer indicated that, to the best of his knowledge, there was only one outstanding issue with respect to the County-required reservation/dedication of a fifty foot wide right-of-way extending from the existing terminus of Tavern Keep Road in a westerly direction. Mr. Robert Bowling, on behalf of Baltimore County, indicated that there remained one additional issue pertaining to the provision of storm water management on the subject property for the public water tower to be constructed on the adjoining County-owned property. The Developer, through its representatives, indicated that the storm water management associated with the public water tower would be

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accommodated on the subject property, thereby resolving that issue.

Counsel for both the Developer and the members of the Community proffered at the beginning of the hearing the history of this project and how the Developer and the members of the Community had been attempting to resolve amicably the concerns of the Neighbors. The record in this case indicates that the concerns of the members of the Community as a whole were presented to the Baltimore County Planning Board at its meetings held on this matter.

It is clear that one of the primary concerns of the members of the Community was the County required extension of Tavern Keep Road in a westerly direction, thereby linking, via public road, the proposed development and the existing Lyons Manor Community. In response to issues raised on April 6, 1995 before an ad-hoc committee of the Planning Board, five conditions were proposed by the Planning Board to be applied any approval of the Owings Mills Golf Community. At the regular Planning Board meeting on April 27, 1995, in accordance with County Code §26-202(m), the Planning Board voted to amend the report of the Director of the Office of Planning and Zoning ("OPZ"), to approve the report as amended, and to approve the Concept Plan for the Owings Mills Golf Community subject to the five conditions in the amended report which are characterized generally as : 1) Tavern Keep Road connection; 2) berming/landscaping buffer; 3) golf course construction; 4) well conditions; and 5) compatibility. The amended report as approved by the Planning Board has been incorporated as part of the

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Development Plan file in this case.

As stated earlier, one of the primary concerns of the members of the Community was the County-required extension of Tavern Keep Road to connect the proposed development with the existing Lyons Manor Community. As a proposed compromise, the Planning Board's conditioned approval recommended to me would require that the construction of this road connection need not be made at the time the development proposed was constructed, but that the full right-of-way should be dedicated as shown on the Development Plan, and should only be actually constructed with the consent of the Developer, the Lyons Manor Community and the County. Additionally, the Developer was required to construct a paved, pedestrian hike and bike pathway over the right-of-way. This condition, as well as several others, was not completely acceptable to either the members of the Community or the Developer. Testimony presented at the hearing indicated that the Developer and its representatives and the Neighbors worked cooperatively toward an acceptable set of conditions (on the same issues identified by the Planning Board) between the date of the Planning Board approval meeting and the hearing held before me on the Development Plan.

Ms. Sharon Wise appeared and testified at the hearing in her individual capacity as well as a representative of the Lyons Manor Community Association, Inc. Ms. Wise indicated that the Concept Plan discussed at the two Community Input meetings had been totally unacceptable to the residents of the Lyons Manor Community for a number of

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reasons, including that it proposed townhouse dwellings adjacent to the existing single-family homes constructed in Lyons Manor. Ms. Wise also identified the wide-spread opposition within the entire surrounding community for the County-proposed interconnection identified as Tavern Keep Road. Other issues of concern identified by Ms. Wise included neighboring property owners' concerns relative to their private water supplies being impaired, the compatibility of the proposed homes with those existing in the Community, and needed, appropriate additional landscaping. Mr. Rufus Womack, who resides at 4437 Marriottsville Road which is located immediately west of the intersection formed by existing Tavern Keep Road and Marriottsville Road, appeared and testified that he had great opposition to any interconnection between the proposed development and the existing Lyons Mill Manor community. Mr. Womack testified that he was informed by County representatives that the asserted need for this interconnection was to provide a convenient means of access for members of the "overall" community to and from various retail shopping destinations. The existing traffic pattern in the Lyons Manor Community, as well as the traffic pattern proposed in the Owings Mills Golf Community without the Tavern Keep Road extension, was deemed by Mr. Womack to be more than adequate to meet the travel requirements of members of the Community travelling to and from shopping. Mr. Womack summarized his position in the words of his uncle "if it ain't broke, don't fix it." Finally, Ms. Gloria Crowder, who resides at Nine Ambling Way, appeared and testified that she had been living in her home for just a few

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months when she learned of the proposed Concept Plan for the Owings Mills Golf Community. Ms. Crowder identified the widespread community opposition to the development proposed on the Concept Plan presented at the Community Input Meetings. Ms. Crowder, like Mr. Womack and Ms. Wise, testified that before purchasing their respective homes, each of them believed (based on advice of realtors or information obtained from County-prepared documents) that the subject property would be developed with single-family homes and a golf course and that, absent the proposed development scheme shown on Developer's Exhibit No. 1 and the agreements reached with the Developer, in their respective and collective opinions the plan of development shown on the Concept Plan presented at the CIM's was contrary to the information that each relied upon in purchasing their homes.

Mr. Henry LeBrun, a representative of the Developer, appeared and testified as to the lengthy history of this project, from the initial rezoning of the land in 1988, to the present hearing. Mr. LeBrun recounted the numerous regulatory changes, including much more stringent environmental considerations that had become applicable over the years that this project has been under consideration. Mr. LeBrun also testified as to the commitment, both personally and financially, of the Developer in seeing the proposed development constructed as shown on Developer's Exhibit No. 1.

Counsel for both the Developer and the members of the Community offered a Development/Covenant Agreement that had been reached by and among the Developer,

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the Lyons Manor Community Association, Inc. as well as individual property owners (the "Private Agreement"). A "copy" of that Private Agreement was submitted as Joint Exhibit No. 1 with a description of two modifications that will be made prior to submission by all parties of a completely executed agreement. Specifically, on page five of the Private Agreement, the reference to Tavern Keep Road in the last of sentence of enumerated paragraph four is to be stricken and the words Cheltenham Court is to be substituted. The second modification will be the addition of the required signatures where shown, together with numerous signatures of individual members of the Community. The Private Agreement, as well as the Exhibits attached thereto, addresses, in a form acceptable to the Developer and the members of the Community, the conditions identified and recommended by the Planning Board. Specifically, the Developer and the members of the Community have agreed that a right-of-way, not to exceed 25 feet in width, will be shown on the subject property in a westerly direction from the existing Tavern Keep Road. The parties acknowledged at the hearing that the 50 foot wide, County-owned portion of the originally shown extension of Tavern Keep Road could not be affected by any agreement among the parties. The Developer and the members of the Community have reached agreement that there will be a maximum paved area of 14 feet in width within the said right-of-way on the subject property as it may be necessary for the provision of all public utilities. Additionally, the Developer has agreed to erect suitable barriers across the dedicated portion of the 25 foot wide right-of-way at the eastern and

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western terminus thereof. The Neighbors requested the erection of the barriers to prevent the paved section from being used as a means of public ingress or egress.

Attached as Exhibit A to the Private Agreement is a Restrictive Covenant Agreement dated October 10, 1988 which binds the subject property to certain covenants and conditions and the same is recorded among the Land Records of Baltimore County in Liber 8171, Folio 829. Consistent with the requirements of the 1988 Covenant Agreement (the "1988 Covenant Agreement"), the recommendation of the Baltimore County Planning Board and the Private Agreement reached among the parties, the Developer has agreed to begin construction on the golf course portion of the Owings Mills Golf Community at or prior to construction on the residential portion thereof and has agreed to continue in good faith with the golf course construction until complete.

With respect to compatibility, the Developer has agreed to restrict the type of residential dwellings which border the Lyons Manor Community to single-family homes only. This design is in stark contrast to the townhome layout presented at the CIM's. Additionally, prior to the issuance of any residential building permit, the Private

Agreement requires the Developer to submit exterior elevations of the proposed residences, reflecting a maximum of five (5) exterior color variations per housing type of model to the Baltimore County Office of Planning and Zoning and to the Board of Lyons Manor Community Association, Inc. for review and approval to ensure architectural capability and continuity with the homes in the Lyons Manor Community. Moreover, the

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Developer has agreed that the exterior color scheme will include only tasteful, neutral, pastel and/or muted earth tone colors not incompatible with the color scheme existing in the Lyons Manor Community today. This agreement is in furtherance of the condition recommended by the Baltimore County Planning Board and in keeping with the recommendation of the Director of the Office of Planning and Zoning in his report to the Planning Board.

In order to provide a natural, landscaped buffer between the proposed development and the existing Lyons Manor Community, the Planning Board recommended a combination of vegetative and/or berming techniques. The Developer, working directly with individual lot owners within the Lyons Manor Community has agreed to a lot by lot landscaping and/or berming treatment. Specifically, Exhibit C of the Private Agreement identifies plant materials which are acceptable to the existing Lyons Manor owners and, specifies by lot the type of landscaping and/or berming to be installed. Another issue raised by members of the Community, as well as being incorporated as a recommended condition proposed by the Planning Board, was the effect of the proposed development on existing private water wells. In order to ensure that existing wells located on surrounding properties are not affected adversely by the proposed golf course development, the Developer has agreed, upon conditions specified in Exhibit D to the Private Agreement to provide a new private water well within the conditions and limitations specified. The Private Agreement reached among the Developer and the

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members of the Community provides additional protection for the members of the Community, beyond that which was included in the recommended conditions of the Planning Board. All members of the Community testifying (testifying on behalf of themselves and/or the Community as a whole), as well as the Developer, have requested that the Private Agreement be incorporated in any Order approving the Development Plan as proposed.

Prior to the conclusion of the hearing before me, Mr. Ervin McDaniel, a representative of the Office of Planning Zoning requested to take the stand with respect to the Tavern Keep Road issue. Mr. McDaniel indicated that after hearing the testimony of members of the Community and about the terms of the Private Agreement, he returned to his office and conferred directly with Mr. Arnold F. "Pat" Keller, Director of the Baltimore County Office of Planning and Zoning. Mr. McDaniels' return to the hearing was for the purposes of appearing and testifying that based upon those community concerns and the Private Agreement reached, the Office of Planning and Zoning would support the terms of the Private Agreement and encouraged the Hearing Officer to incorporate it into any Order approving the Development Plan proposed.

The review of the Development Plan in this case is a two-fold process. First, I must determine whether or not the Development Plan complies with the Development Regulations of Baltimore County and the applicable policies, rules and regulations promulgated pursuant to §2-416 of the County Code. In approving such a plan I may

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By Mr. Good

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impose, within statutory limitations, such conditions as may be deemed necessary or advisable for the protection of surrounding and neighboring properties. Secondly, with respect to approval of the PUD proposed, County Code §26-206(r) *et seq.* requires that I make specific findings relative to the planned development. It is clear to this Hearing Officer that the basis for the conditions recommended by the Planning Board and the concerns of the members of the Community can be addressed and resolved by imposition of the hereinafter enumerated conditions specified in the Private Agreement, identified as Joint Exhibit 1 and incorporated herein by reference.

As to the issue of the provision of storm water management on the subject property to support the proposed public water tower, the Developer, through its representatives, at the hearing indicated that such storm water management would be made available to Baltimore County. Therefore, having addressed all the issues raised at the Hearing and by the reviewing County agencies, and resolving the same pursuant to this Order and the conditions and restrictions contained hereinafter, including those in the Private Agreement, the Development Plan for the Owings Mills golf community, as amended and introduced as Developers Exhibit 1, shall be approved, subject to the further findings, conditions and restrictions on the Planned Unit Development submitted for review.

In the review of a Planned Unit Development pursuant to County Code §26-206(q), the Hearing Officer may approve the plan as submitted by the Planning Board, approve the plan with additional modifications or conditions deemed necessary to meet the

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standards of County Code §26-206 or deny the plan. As noted previously, pursuant to County Code §26-206(r) there are numerous findings that must be made.

First, it must be determined that, based on the comments and reports of reviewing agencies, the proposed development meets the purpose, intent, conditions and standards applicable to Development Plan approval. The comments of the Office of Planning and Zoning are particularly helpful in addressing this finding. Specifically, the description of compatibility of this project with surrounding communities and the Residential Compatibility Objectives contained within the Comprehensive Manual of Development Policies is particularly instructive. As the Director of the Office of Planning and Zoning notes, similar housing types will be placed adjacent to existing residential properties, and large landscaped buffers will screen the proposed development from existing public roads and other, adjacent properties. Additionally, the Director of OPZ opined that the proposed golf course complements the Owings Mills Open Space Plan and, furthermore, provided an appropriate transition from the existing and proposed development in the area to the rural landscape. The Developer has proposed a landscape buffer in excess of two times that which is required along arterial roadways. The site specific landscape treatment proposed in Exhibit C of the Private Agreement represents further sensitive treatment by the Developer in reinforcing the character of the neighborhood and the visual quality of the proposed development. The three housing types proposed, single-family, townhome and condominium are designed to maintain a residential suburban character. Therefore,

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as modified herein, I find that the PUD Development Plan meets the intent, purpose, conditions and standards of the Baltimore County Code.

The 1988 Covenant Agreement requires that the golf course portion of the project be opened to the public and be constructed simultaneously with the construction of the proposed residential units. Mr. LeBrun, on behalf of the Developer, appeared and testified as to the development and economic history of this project which began in 1987. Mr. LeBrun described his initial involvement of the project as then proposed and the subsequent modifications, approvals and designs proposed by others. As described previously, Mr. LeBrun also testified as to the commitment, both personally and financially, of the Developer in seeing the proposed development constructed as shown on Developer's Exhibit No. 1. Testimony offered indicated that the 1988 Covenant Agreement is binding not only on the Developer, but also on any lender that may be requested to provide financing for the proposed development. Based upon the testimony of Mr. LeBrun and the required conditions of the 1988 Covenant Agreement, the expectation that the proposed development will be developed to the full extent of and fully in accordance with the PUD Development Plan is entirely reasonable.

Mr. Thaler appeared and testified on behalf of the Development Plan, the zoning relief and waivers requested and the PUD proposed. Mr. Thaler testified without objection that the PUD proposed, combined with the zoning relief and waivers requested, provides higher and more creative design than would otherwise be obtained through

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conventional application of the County's development and zoning regulations. The testimony of Mr. Thaler showed that the PUD preserves the natural features of the site, groundwater and other natural features, scenic views, and recreational areas and provides within its boundaries a creative use of streets, traffic circles, and paths to create an integration of the uses proposed. Based upon the PUD development plan presented, the Private Agreement and the testimony of Mr. Thaler, I find that the development as proposed will: i) retain and/or conserve natural elements and drainage systems by means of the clustering of the residential development and the vast, natural areas of the site left open and/or undisturbed; ii) through the use of open space and pathways shown on the Development Plan, provide a suitable connection to adjoining developments; iii) provide an organized linkage of public and private community and recreational facilities within walking distance of the residences proposed, including active and passive recreational areas; iv) through the use of a limited number of points of ingress and egress, traffic circles and inter-connected loop roads provide a compatible environment for bicycle, pedestrian and motor vehicle traffic; v) locate residential structures in a manner consistent with the pattern established in the existing Community and site the appropriately scaled and massed community, recreational and residential structures (as more specifically identified in cross-sections A-A, B-B and C-C on Developer's Exhibit No. 1C) in relation

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to the existing topography and existing natural features¹, while shaping the non-grid like street pattern into a design which is more sensitive to the natural features of the site and the general area; vi) exceed the landscaping and useable open space requirements of the Baltimore County Zoning Regulations ("BCZR"), including the use of street tree plantings and landscaping at the entrances to the proposed development, as well as that used to distinguish public and private areas (berms as well as vegetation); vii) through the use and design of extensive buffering as approved by the Department of Environmental Protection and Resource Management, preserve existing streams, wetlands, steep slopes and areas of mature vegetation and floodplain; viii) effectuate a uniformity of design of streets and informational and directional signage² as shown on Developer's Exhibit No. 1; ix) locate the parking areas for both the community and residential uses in small lots which do not front primarily on the residential streets³; and x) mitigate on- and off-site impacts that may otherwise result from the proposed development, especially through the establishment of the public golf course proposed. As noted in the Development Plan application, the

¹ The residential portion of the proposed development is clustered on the eastern side of the subject property and has been incorporated into the Metropolitan District so that it will be served by public water and sewerage facilities. The topography of the subject property slopes away from the County-proposed water tower and the development as proposed follows the natural terrain.

² The signage proposed presents a uniform architectural scheme and the illumination of the signs is designed to reflect the reduced scale and near rural location of the subject property.

³ The creative use of single-loaded parking bays, parallel parking on minor roadways and the non-linear parking pods minimize any impact of the parking requirements of the proposed development.

Petitions for Zoning relief filed and the testimony of Mr. LeBrun, the subject property is under the control of the Developer for purposes of making all such applications.

The testimony of Mr. Thaler regarding the compliance of the proposed development with the intent, goals, recommendations and objectives of the *Baltimore County Master Plan 1989-2000* ("Master Plan") and the *Comprehensive Manual of Development Policies* ("CMDP") was conclusive. The Land Use portion of the County's Master Plan, included as Exhibit "B" to the *Owings Mills Golf Community Planned Unit Development Compatibility Report*, dated January 20, 1995, submitted by the Developer and included in the Development Plan file, shows clearly that the organization of the development features as proposed is in compliance with the pattern of development envisioned when the Master Plan was adopted. Mr. Thaler described the necessity of the granting of the variances and waivers and the special exception uses in order to meet the objectives and stated intent of the regulatory framework applicable to the PUD development under consideration. The zoning relief and waivers requested will permit the development proposed on the Development Plan as compared to that which was presented initially on the Concept Plan (a reduced version of the Concept Plan is included as Exhibit "A" to the *Owings Mills Golf Community Planned Unit Development Compatibility Report*). Finally, Mr. Thaler testified affirmatively that the development proposed does not violate the provisions of any deed or covenant applicable to the subject property.

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In support of the proposed PUD, the Special Hearing and the Special Exception relief requested, it is incumbent on the Developer to prove compliance with BCZR §502.1. In support of the Special Hearing relief requested, Mr. Thaler noted that the transfer or full utilization of density is permitted within an approved PUD in accordance with BCZR §430.9.B. and is further warranted to meet the stated objectives of a PUD development. With respect to the proposed community building, tennis courts, swimming pool, golf course and club house and all associated accessory uses and the PUD in its entirety, Mr. Thaler testified affirmatively and without contradiction that those uses as shown on Developer's Exhibit No. 1 constitute a better design, use and layout of the subject property than otherwise permitted by the BCZR and the County's Development Regulations and that the proposed development was designed to meet the intent of flexible and creative design embodied in the CMDP, the Master Plan and the regulations regarding the PUD.

Specifically with respect to the utilization of density, the PUD development and the Special Exception uses proposed, Mr. Thaler, based upon his knowledge of the subject property, the Development Plan, the BCZR and the development regulations of the County, opined that the proposed uses will be conducted without real detriment to the neighborhood and without affecting adversely the public interest. The facts and circumstances and the overwhelming evidence in this case show that the proposed uses at this particular location would not have any adverse impact above and beyond those

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inherently associated with such special exception uses, irrespective of their location within a similar zoning classification. *Schultz v. Pritts*, 291 Md. 1 (1981).

As testified to by Mr. Thaler, the proposed uses will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys, nor be inconsistent with the purposes of the subject property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the BCZR. The uses proposed by the PUD and the Special Exception are the compatible and flexible types of uses contemplated by the County Council in enacting the PUD and will, therefore, not create a potential hazard from fire, panic or other danger or tend to overcrowd land or cause an undue concentration of population, nor interfere with adequate light and air, or be inconsistent with the impermeable surface and vegetation retention requirements of the BCZR. The uses proposed will not interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements; as noted above, a primary public recreational amenity will be created in the golf course and the County has acquired previously a portion of the subject property for construction of the regional water reservoir. Therefore, after consideration of all of the testimony and evidence offered and the facts and circumstances contained in the record before me, it appears that the PUD development/authorization plan, the Special Hearing relief and the Special Exception uses requested should be granted as requested. Clearly the Petitioners have met their burden with respect to County

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Code §26-206(r)(2) and BCZR §502.1.

The Petitioners seek relief, by way of variance from the BCZR as follows: from BCZR §1B01.2.C.1.c and the CMDP to permit a side building face to side building face distance of 20 feet in lieu of the 25 feet required for Lots No. 114 through and including 253; from BCZR §1B01.2.C.1.b and the CMDP to permit a side building face to side building face distance of 16 feet in lieu of the 20 feet required for Lots No. 1 through and including 112; from BCZR § 1B01.2.C.1.a and the CMDP to permit a front yard setback of 3 feet in lieu of the 50 feet required for the golf course clubhouse and the community building; from BCZR § 413.1.E.1 to permit signage containing a total of 1220 ± square feet of spot light illuminated identification and directional signage in lieu of the 15 square feet allowed; and from BCZR § 102.5 the permit the proposed signs to be 8 feet high in lieu of the 3 feet allowed, all as more specifically shown and identified on Developer's Exhibit No. 1.

Generally, evaluation of any variance relief requested is governed exclusively by BCZR §307.1. However, in review and modification of a PUD development plan, County Code §26-206(s) provides that the Hearing Officer may "grant waivers or variances, special exceptions or special hearings as deemed necessary for the plan to meet the intent, purposes and standards" of County Code §26-206. In that regard, Mr. Thaler testified without contradiction that the setback variances requested are necessitated by the configuration and topography of the subject property and will permit a better quality plan

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which meets the flexible and creative intent underlying the objectives of the PUD provisions. Mr. Thaler also noted the irregular shape of the subject property, the naturally undulating topography existing on the site and the prior acquisition of a portion of the subject property for the proposed regional water tower, all of which restrict severely the portions of the subject property available for development. The signs proposed are for directional and informational purposes, with each actual "sign" comprising only a small portion of the overall structure on which each is to be erected. Mr. Thaler testified that because the current BCZR require computation of the structure which holds the sign as well as the sign itself, a variance is necessary to ensure that information and direction can be given adequately within a project of this size which has a minimal number of points of ingress and egress. In Mr. Thaler's expert opinion, the variances, if granted, would not result in any increase in residential density, beyond that otherwise allowable by the BCZR and that strict compliance with the BCZR in this case would unreasonably prevent the use of the subject property for the PUD use approved by the Planning Board and the members of the Community. Further testimony from Mr. Thaler revealed that the variance relief

requested is the minimum relief necessary and that the relief, if granted, would do substantial justice to the Developer as well as other property owners in the district. Finally, Mr. Thaler testified that strict conformity with the BCZR would work practical difficulty on the Petitioners and that the requested relief can be granted so that the spirit and intent of the BCZR will be observed, and public health, safety and welfare secured.

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The BCZR, specifically Section 307.1, establish a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of *Cromwell v. Ward*, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the Petitioners to establish the following:

First, the Petitioners must prove, and this Zoning Commissioner must find, that the "uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property." I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon these particular uses.

Having satisfied this "first step" the Petitioners must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardships guidelines that have been imposed by the BCZR have been thoroughly examined and discussed by the appellate courts of this State. In *Loyola Federal Saving and Loan Association v. Buschman*, 227 Md. 243, 176 A.2d 355 (1961), the Court Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R. As the Court noted: "Section 307 of the Regulations

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uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." *Loyola Federal*, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in *Anderson v. Board of Appeals, Town of Chesapeake Beach*, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petitioners, as

ORDER RECORDED FOR FILING

Date

By

enunciated in *Anderson*, supra, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson at 39. See also, *McLean v. Soley*, 270 Md. 208 (1973) at 214-215.

It is clear from the uncontradicted testimony and evidence in this case and the evidence presented at the hearing before me that if the variances are granted, the uses proposed will not be detrimental to the public health, safety or general welfare and will, in fact, permit the quality type and pattern of development contemplated by the PUD provisions of the BCZR and the County Code. I further find that the granting of these variances would be in strict harmony with the spirit and intent of the BCZR. Therefore, I find from the testimony and evidence presented at the hearing before me that the Petitioners have in fact proven the practical difficulty standards as set forth above and that the variances requested should be granted.

The Developer, pursuant to County Code §26-172(a), has requested certain waivers of the standards adopted by the County Department of Public Works. These specific waiver requests are identified on Developer's Exhibit No. 1A & B, consistent with the recommendations of the Director of the Department of Public Works ("DPW") as outlined in his letter, dated August 30, 1995, to D.S. Thaler & Associates, Inc., which letter is included as a part of the record in this case. At the hearing before me, representatives of the Developer indicated that the position taken by the Director of DPW in his August 30th letter were acceptable, most if not all of which were reflected in green line modifications on Developer's Exhibit No. 1 A & B. Considering the size, scope and nature of the proposed development, strict compliance of the standards from which waivers are sought is not necessary. As all other applicable laws, ordinances and regulations have been met, and considering the express authority conferred upon me in the review of a PUD development plan, I find that the waivers as recommended by the Director of DPW are within the scope, purpose and intent of the development and PUD regulations of the County and should, therefore, be granted.

Having addressed all of the issues raised at the hearing and resolving the same pursuant to this Order and the conditions and restrictions contained hereinafter, the development plan and the PUD development/authorization plan for the Owings Mills Golf Community, as amended and depicted on Developer's Exhibit No. 1 A, B & C shall be approved. Pursuant to the zoning, PUD and development plan regulations as contained

ORDER RECEIVED FOR FILING

Date

By

om-golf.002/October 6, 1995

within the BCZR and Subtitle 26 of the County Code, the advertising of the subject property and public hearing held thereon, the Development Plan and PUD development/authorization plan are hereby approved consistent with the comments contained herein and the conditions and restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by this Hearing Officer/Zoning Commissioner for Baltimore County this 6th day of October, 1995 that the Development Plan and the PUD development/authorization plan for the Owings Mills Golf Community, identified herein as Developer's Exhibit No. 1 A, B & C, be and is hereby APPROVED, pursuant to the development regulations codified in Section 26-166 *et seq.* of the County Code; and

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a golf course and associated club house, swimming pool, two (2) tennis courts, a community building, together with permitted accessory uses in accordance with BCZR §§ 1B01.1.C.6, A & ABBE.2.B.8 is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from BCZR § 1B01.2.C.1.c and the CMDP to permit a side building face to side building face distance of 20 feet in lieu of the 25 feet required for Lots No. 114 through and including 253; from BCZR § 1B01.2.C.1.a and the CMDP to permit a front yard setback of 3 feet

ORDER RECEIVED FOR FILING
Date 10/6/95
By Ch. Spork

in lieu of the 50 feet required for the golf course clubhouse and the community building; from BCZR § 1B01.2.C.1.b and the CMDP to permit a side building face to side building face distance of 16 feet in lieu of the 20 feet required for Lots No. 1 through and including 112; from BCZR § 413.1.E.1 to permit signage containing a total of 1220 ± square feet of spot light illuminated identification and directional signage in lieu of the 15 square feet allowed; and from BCZR § 102.5 to permit the proposed signs to be 8 feet high in lieu of the 3 feet allowed is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve the utilization of density as shown on the PUD development/authorization plan for the Owings Mills Golf Community is hereby GRANTED; and


IT IS FURTHER ORDERED that the waivers from the standards of the Department of Public Works recommended in the letter, dated August 30, 1995 from the Director of that Department and as shown more specifically on Developer's Exhibit No. 1A & B are hereby GRANTED; and

IT IS FURTHER ORDERED that the approvals and relief granted hereby are subject to the applicable conditions and restrictions contained in enumerated paragraphs 1 through and including 5 of the Development/Covenant Agreement introduced as Joint Exhibit No. 1; and


ORDER RECEIVED FOR FILING
Date 10/6/95
By M. Howard

IT IS FURTHER ORDERED that the Developer shall prepare and submit to the Department of Permits and Development Management within ten (10) days of the date of this Order, a revised development plan/PUD development/authorization plan which reflects and incorporates the terms, conditions and restrictions of this Order.

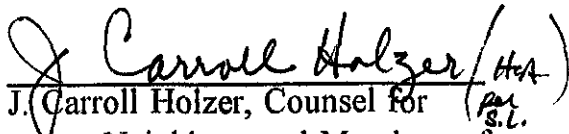
Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

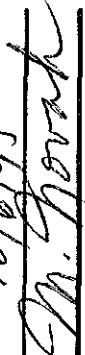

LAWRENCE E. SCHMIDT
Hearing Officer for Baltimore County

Approved this 6th day of October, 1995 as
to form and sufficiency:


Howard L. Alderman, Jr., Counsel
for Developer/Petitioners

Approved this 6th day of October, 1995 as
to form and sufficiency:


J. Carroll Holzer, Counsel for
Neighbors and Members of
the Community

LONG
10/6/95
Date
By 

A1



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

96-53-SPHXA

for the property located at

Lyons Mill & Deer Park Roads

which is presently zoned DR 3.5, RC 4&5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

SEE CONTINUATION SHEET

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Leasee

Triangle - Deer Park Corp.
(Type or Print Name)

By:

Signature J. Chris Popen
J. Chris Popen, President

212 Washington Avenue
Address

Towson, Maryland 21204

City State Zipcode

Attorney for Petitioner:

Howard L. Alderman, Jr.

Signature

LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204

Attorney's Phone No.: (410) 321-0600

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

SEE CONTINUATION SHEET

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Howard L. Alderman, Jr., Esquire
LEVIN & GANN, P.A.
305 West Chesapeake Avenue, Suite 113
Towson, Maryland 21204
Tel.: (410) 321-0600

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____



PETITION FOR SPECIAL EXCEPTION 76-53-SPHXA

Continuation Sheet A

Signatures of Legal Owners

Signature	Print	Address	Parcel#
	Margaret V. Miller		
Margaret V. Miller	" "	5823 Melville Rd. Truster Eldersburg, Md.	#530
Margaret V. Miller	" "	" "	Personally #530
Gladys C. Haas	Tunnum, Md. 21093 2416 Chetwood Cir #203		#528
Florence Foy Kitt	Florence Foy Kitt	11514 Ave	#23
George R. Collins	George R. Collins	126 Columbia La. Coatsville, Md. 19320	#58459.
William B. Martin	William B. Martin	10418 Liberty Rd. Randallstown, Md.	#60
Donald A. Miller	4505 DEER PARK RD	OWINGS MILLS MD TRUSTEE	#371,372,529
Donald A. Miller	4505 DEER PARK RD	OWINGS MILLS MD PERSONAL	

The complete addresses of all owners are contained on the following sheet

MICROFILMED

96-53-SPHXA

PROPERTY REFERENCES:

Michael & Florence Kitt
#215
11 Slade Avenue
Baltimore, Maryland 21208

George Collins
10122 Lyons Mill Road
Owings Mills, Maryland 21117

George & Louise Collins
10122 Lyons Mill Road
Owings Mills, Maryland 21117

William & Elizabeth Martin
10418 Liberty Road
Randallstown, Maryland 21133

Leonard & Mildred Miller
4505 Deer Park Road
Owings Mills, Maryland 21117

Leonard & Mildred Miller
4505 Deer Park Road
Owings Mills, Maryland 21117

Leonard & Mildred Miller
4505 Deer Park Road
Owings Mills, Maryland 21117

Gladys Haas
#203
2416 Chetwood Circle
Timonium, Maryland 21093

John Miller Sr. Ac. Trustees
4505 Deer Park Road
Owings Mills, Maryland 21117

Margaret & Majorie Miller
5412 Emerald Drive
Eldersburg, Maryland 21784

DEED: 2210/60
TAX ACCOUNT NUMBER: 02-11-350020
TAX MAP: 66 GRID: 11 PARCEL: 23
ADC MAP: 24A7

DEED: 5116/562
TAX ACCOUNT NUMBER: 16-00-001671
TAX MAP: 66 GRID: 16 PARCEL: 58
ADC MAP: 23J8

DEED: 2454/517
TAX ACCOUNT NUMBER: 02-03-470540
TAX MAP: 66 GRID: 16 PARCEL: 59
ADC MAP: 237J8

DEED: 1504/418
TAX ACCOUNT NUMBER: 02-13-200970
TAX MAP: 66 GRID: 15 PARCEL: 60
ADC MAP: 23H8

DEED: 1891/184
TAX ACCOUNT NUMBER: 02-13-550290
TAX MAP: 66 GRID: 17 PARCEL: 371(a)
ADC MAP: 24A8

DEED: 6789/741
TAX ACCOUNT NUMBER: 19-00-014869
TAX MAP: 66 GRID: 17 PARCEL: 371 (b)
ADC MAP: 24A8

DEED: 8795/205
TAX ACCOUNT NUMBER: 02-13-550280
TAX MAP: 66 GRID: 17 PARCEL: 372
ADC MAP: 24A8

DEED: 5628/296
TAX ACCOUNT NUMBER: 17-00-006494
TAX MAP: 66 GRID: 17 PARCEL: 528
ADC MAP: 24A8

DEED: 9697/767
TAX ACCOUNT NUMBER: 17-00-006493
TAX MAP: 66 GRID: 17 PARCEL: 529
ADC MAP: 24A8

DEED: 8710/771
TAX ACCOUNT NUMBER: 17-00-006495
TAX MAP: 66 GRID: 17 PARCEL: 530
ADC MAP: 24A8

MICROFILMED

PETITION FOR SPECIAL EXCEPTION

Owings Mills Golf Community

96-53-SRHX

Continuation Sheet

SPECIAL EXCEPTION

for a golf course and associated club house, swimming pool, two (2) tennis courts, a community building, together with permitted accessory uses in accordance with BCZR §§ 1B01.1.C.6, 406A & 1A04.2.B.8

47



Petition for Special Hearing

96-53-SPHXA

to the Zoning Commissioner of Baltimore County

for the property located at Lyons Mill & Deer Park Roads

which is presently zoned DR3.5. RC4&5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE CONTINUATION SHEET

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor

Triangle-Deer Park Corp.

(Type or Print Name)

By:

Signature J. Chris Phippen
J. Chris Phippen, President

212 Washington Avenue

Address

Towson, Maryland 21204

City

State

Zipcode

Attorney for Petitioner:

Howard L. Alderman, Jr.

Signature Howard L. Alderman, Jr.

LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204

Attorney's Phone No.: (410) 321-0600

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

SEE CONTINUATION SHEET

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No.

City

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

State

Zipcode

Howard L. Alderman, Jr., Esquire
LEVIN & GANN, P.A.
305 West Chesapeake Avenue, Suite 113
Towson, Maryland 21204
Tel.: (410) 321-0600

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

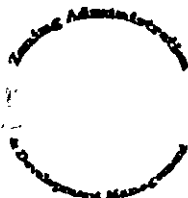
Next Two Months

ALL

OTHER

REVIEWED BY:

DATE



PETITION FOR SPECIAL HEARING 96-53-SPHXA

Continuation Sheet A

Signatures of Legal Owners

Signature	Print	Address	Parcel#
<i>Margaret V. Miller</i>	<i>Margaret V. Miller</i>	<i>5823 Melville Rd Eldersburg, Md.</i>	<i>Trustee #530</i>
<i>Margaret V. Miller</i>	<i>" "</i>	<i>" "</i>	<i>Personally #530</i>
<i>Gladys C. Haas</i>	<i>Gladys C. Haas</i>	<i>Tempsum, Md 21093 #203 2416 Chestwood Bridge</i>	<i>#528</i>
<i>Therese Fox Best Florence Fox Kitt</i>	<i>Therese Fox Best Florence Fox Kitt</i>	<i>115 LADEMOUE 126 Columbia La.</i>	<i>#23</i>
<i>George R. Collins</i>	<i>George R. Collins</i>	<i>Coatsville, Pa 19320</i>	<i>#58 & 59</i>
<i>William B. Martin</i>	<i>William Martin</i>	<i>10418 Liberty Rd. Randallstown, Md.</i>	<i>#60</i>
<i>Ronald H. Miller</i>	<i>Ronald H. Miller</i>	<i>4505 DEER PARK RD Owings Mills</i>	<i>TRUSTEE</i>
<i>Ronald H. Miller</i>	<i>Ronald H. Miller</i>	<i>4505 DEER PARK RD Owings Mills</i>	<i>PERSONALLY #371, 372, 529</i>

The complete addresses of all owners are contained on the following sheet

APPROVED

96-53-SPHXA

PROPERTY REFERENCES:

Michael & Florence Kitt
#215
11 Slade Avenue
Baltimore, Maryland 21208

George Collins
10122 Lyons Mill Road
Owings Mills, Maryland 21117

George & Louise Collins
10122 Lyons Mill Road
Owings Mills, Maryland 21117

William & Elizabeth Martin
10418 Liberty Road
Randallstown, Maryland 21133

Leonard & Mildred Miller
4505 Deer Park Road
Owings Mills, Maryland 21117

Leonard & Mildred Miller
4505 Deer Park Road
Owings Mills, Maryland 21117

Leonard & Mildred Miller
4505 Deer Park Road
Owings Mills, Maryland 21117

Gladys Haas
#203
2416 Chetwood Circle
Timonium, Maryland 21093

John Miller Sr. Ac. Trustees
4505 Deer Park Road
Owings Mills, Maryland 21117

Margaret & Majorie Miller
5412 Emerald Drive
Eldersburg, Maryland 21784

DEED: 2210/60
TAX ACCOUNT NUMBER: 02-11-350020
TAX MAP: 66 GRID: 11 PARCEL: 23
ADC MAP: 24A7

DEED: 5116/562
TAX ACCOUNT NUMBER: 16-00-001671
TAX MAP: 66 GRID: 16 PARCEL: 58
ADC MAP: 23J8

DEED: 2454/517
TAX ACCOUNT NUMBER: 02-03-470540
TAX MAP: 66 GRID: 16 PARCEL: 59
ADC MAP: 237J8

DEED: 1504/418
TAX ACCOUNT NUMBER: 02-13-200970
TAX MAP: 66 GRID: 15 PARCEL: 60
ADC MAP: 23H8

DEED: 1891/184
TAX ACCOUNT NUMBER: 02-13-550290
TAX MAP: 66 GRID: 17 PARCEL: 371(a)
ADC MAP: 24A8

DEED: 6789/741
TAX ACCOUNT NUMBER: 19-00-014869
TAX MAP: 66 GRID: 17 PARCEL: 371 (b)
ADC MAP: 24A8

DEED: 8795/205
TAX ACCOUNT NUMBER: 02-13-550280
TAX MAP: 66 GRID: 17 PARCEL: 372
ADC MAP: 24A8

DEED: 5628/296
TAX ACCOUNT NUMBER: 17-00-006494
TAX MAP: 66 GRID: 17 PARCEL: 528
ADC MAP: 24A8

DEED: 9697/767
TAX ACCOUNT NUMBER: 17-00-006493
TAX MAP: 66 GRID: 17 PARCEL: 529
ADC MAP: 24A8

DEED: 8710/771
TAX ACCOUNT NUMBER: 17-00-006495
TAX MAP: 66 GRID: 17 PARCEL: 530
ADC MAP: 24A8

MICROFILMED

PETITION FOR SPECIAL HEARING

Owings Mills Golf Community 96-53-5 PHXA

Continuation Sheet

to approve the utilization of density as shown on the Planned Unit Development Plan for the Owings Mills Golf Community.

47



Petition for Variance

96-53-SHXA

to the Zoning Commissioner of Baltimore County

for the property located at Lyons Mill & Deer Park Roads

which is presently zoned DR 3.5, RC 4&5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE CONTINUATION SHEET

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SEE CONTINUATION SHEET

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Leasee XXXX

Triangle-Deer Park Corp.

(Type or Print Name)

By:

Signature J. Chris Phippen, President

212 Washington Avenue

Address

Towson, Maryland 21204

City

State

Zipcode

Attorney for Petitioner:

Howard L. Alderman, Jr.

Signature

LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204

Attorney's Phone No.: (410) 321-0600

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

SEE CONTINUATION SHEET

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Howard L. Alderman, Jr., Esquire
LEVIN & GANN, P.A.
305 West Chesapeake Avenue, Suite 113
Towson, Maryland 21204
Tel.: (410) 321-0600

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

PETITION FOR VARIANCE

Continuation Sheet A 96-53-5QHX A

Signatures of Legal Owners

Signature	Print	Address	Parcel#
	Margaret U. Miller		
Margaret U. Miller	" "	5823 Melville Rd. Eldersburg, Md.	Trustee #530
Margaret U. Miller	" "	" "	Personally #530
Gladys C. Haas		Tennonum, Ind. 21093 2416 Chetwood Cir. #203	#528
Florence Fox Kitt		126 Colomba La. Coatsville, Pa. 19320	#23
George R. Collins	George R. Collins		#58 & 59.
William B. Martin	William Martin	10418 Liberty Rd. Randallstown, Md.	#60
Ronald A. Miller		4505 DEER PARK RD OWINGS MILLS, MD TRUSTEE	#371,372,529
Ronald A. Miller		4505 DEER PARK RD OWINGS MILLS MD PERSONALLY	

The complete addresses of all owners are contained on the following sheet

MICROFILMED

96-53-S PHXA

PROPERTY REFERENCES:

Michael & Florence Kitt
#215
11 Slade Avenue
Baltimore, Maryland 21208

George Collins
10122 Lyons Mill Road
Owings Mills, Maryland 21117

George & Louise Collins
10122 Lyons Mill Road
Owings Mills, Maryland 21117

William & Elizabeth Martin
10418 Liberty Road
Randallstown, Maryland 21133

Leonard & Mildred Miller
4505 Deer Park Road
Owings Mills, Maryland 21117

Leonard & Mildred Miller
4505 Deer Park Road
Owings Mills, Maryland 21117

Leonard & Mildred Miller
4505 Deer Park Road
Owings Mills, Maryland 21117

Gladys Haas
#203
2416 Chetwood Circle
Timonium, Maryland 21093

John Miller Sr. Ac. Trustees
4505 Deer Park Road
Owings Mills, Maryland 21117

Margaret & Majorie Miller
5412 Emerald Drive
Eldersburg, Maryland 21784

DEED: 2210/60
TAX ACCOUNT NUMBER: 02-11-350020
TAX MAP: 66 GRID: 11 PARCEL: 23
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TAX ACCOUNT NUMBER: 02-03-470540
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TAX MAP: 66 GRID: 17 PARCEL: 371(a)
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TAX ACCOUNT NUMBER: 19-00-014869
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DEED: 8795/205
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DEED: 5628/296
TAX ACCOUNT NUMBER: 17-00-006494
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DEED: 9697/767
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TAX MAP: 66 GRID: 17 PARCEL: 529
ADC MAP: 24A8

DEED: 8710/771
TAX ACCOUNT NUMBER: 17-00-006495
TAX MAP: 66 GRID: 17 PARCEL: 530
ADC MAP: 24A8

MICROFILMED

PETITION FOR VARIANCE

Owings Mills Golf Community

96-53-SPA XA

Continuation Sheet

VARIANCE - RELIEF REQUESTED:

from BCZR § 1B01.2.C.1.c and the CMDP to permit a side building face to side building face distance of 20 feet in lieu of the 25 feet required for Lots No. 114 to and including 253; and

from BCZR § 1B01.2.C.1.a and the CMDP to permit a front yard setback of 3 feet in lieu of the 50 feet required for the golf course clubhouse and the community building; and

from BCZR § 1B01.2.C.1.b and the CMDP to permit a side building face to side building face distance of 16 feet in lieu of the 20 feet required for Lots No. 1 to and including 112; and

from BCZR § 413.1.E.1 to permit two signs at entry points containing a total of 1220 ± square feet of spot light illuminated identification and directional signage in lieu of the 15 square feet allowed; and

from BCZR § 102.5 to permit the proposed signs to be 8 feet high in lieu of the 3 feet allowed.

VARIANCE - JUSTIFICATION:

1. The subject property is constrained by the location and effect of the Soldier's Delight Environmental area;
2. A portion of the subject property was required to be dedicated to Baltimore County for a major water reservoir, not necessitated by the proposed development;
3. The signs are necessary as directional tools for the general public; and
4. Such further justification as will be presented at the hearing required on this request.

8/20/01 1:15 PM

47

July 27, 1995

96-53-SRHX A

OWINGS MILLS GOLF COMMUNITY
DESCRIPTION TO ACCOMPANY ZONING PETITION
(FOR ZONING PURPOSES ONLY)
(GOLF COURSE SPECIAL EXCEPTION)

Beginning at a point located approximately 1930 feet, more or less, North of the intersection of Lyons Mills Road and Deer Park Road, thence running,

1. North 21°21'19" East 1,114.32 feet, more or less, to a point; thence,
2. South 86°41'37" East 784.86 feet, more or less, to a point;
3. South 44°06'22" East 218.28 feet, more or less, to a point; thence,
4. South 58°26'55" West 334.44 feet, more or less, to a point; thence,
5. South 03°41'29" West 155.32 feet, more or less, to a point; thence,
6. South 59°02'10" West 174.93 feet, more or less, to a point; thence,
7. South 01°28'53" West 580.19 feet, more or less, to a point; thence,
8. South 23°05'29" East 701.18 feet, more or less, to a point; thence,
9. South 65°13'29" West 71.59 feet, more or less, to a point; thence,
10. South 73°18'03" West 52.20 feet, more or less, to a point; thence,
11. North 04°58'11" West 115.43 feet, more or less, to a point; thence,
12. North 68°37'46" West 123.49 feet, more or less, to a point; thence,
13. North 34°49'28" West 280.18 feet, more or less, to a point; thence,
14. North 67°37'12" West 91.92 feet, more or less, to a point; thence,
15. South 39°48'20" West 78.10 feet, more or less, to a point; thence,
16. North 77°16'32" West 158.90 feet, more or less, to a point; thence,
17. South 69°35'24" West 229.40 feet, more or less, to a point; thence,
18. South 01°23'26" East 189.85 feet, more or less, to a point; thence,
19. South 71°17'27" West 328.62 feet, more or less, to a point; thence,
20. South 13°30'34" East 560.15 feet, more or less, to a point; thence,
21. South 04°46'09" West 206.56 feet, more or less, to a point; thence,
22. North 71°07'43" West 150.00 feet, more or less, to a point; thence,

RECEIVED
JUL 28 1995

LOWINGS MILLS GOLF COMMUNITY
DESCRIPTION TO ACCOMPANY ZONING PETITION
(FOR ZONING PURPOSES ONLY)
(GOLF COURSE)
July 27, 1995

23. South 18°52'17" West 220.00 feet, more or less, to the centerline of Lyons Mill Road, thence running said centerline,
24. North 71°25'49" West 400.00 feet, more or less, to a point; thence,
25. North 70°36'04" West 198.47 feet, more or less, to a point; thence,
26. North 73°20'47" West 145.80 feet, more or less, to a point; thence,
27. South 75°08'13" West 299.75 feet, more or less, to a point; thence, leaving said Road,
28. North 06°30'13" East 12.21 feet, more or less, to a point; thence,
29. North 61°11'22" West 25.38 feet, more or less, to a point; thence,
30. North 07°51'46" West 68.10 feet, more or less, to a point; thence,
31. North 26°05'35" West 22.80 feet, more or less, to a point; thence,
32. North 21°43'47" West 39.85 feet, more or less, to a point; thence,
33. North 30°10'58" West 124.64 feet, more or less, to a point; thence,
34. North 13°10'27" East 32.95 feet, more or less, to a point; thence,
35. North 47°54'49" East 19.77 feet, more or less, to a point; thence,
36. North 28°36'28" West 172.58 feet, more or less, to a point; thence,
37. North 30°36'52" East 111.39 feet, more or less, to a point; thence,
38. North 10°35'18" East 41.81 feet, more or less, to a point; thence,
39. South 48°53'04" East 36.59 feet, more or less, to a point; thence,
40. North 16°22'03" East 73.41 feet, more or less, to a point; thence,
41. North 55°49'46" East 39.62 feet, more or less, to a point; thence,
42. North 34°36'46" East 62.44 feet, more or less, to a point; thence,
43. North 14°59'13" East 88.61 feet, more or less, to a point; thence,

1950-1951

page 3

OWINGS MILLS GOLF COMMUNITY
DESCRIPTION TO ACCOMPANY ZONING PETITION
(FOR ZONING PURPOSES ONLY)
(GOLF COURSE)
July 27, 1995

96-53-S PHXA

44. North 05°48'15" East	294.58 feet, more or less, to a point; thence,
45. North 55°35'42" East	41.40 feet, more or less, to a point; thence,
46. North 49°35'18" West	77.95 feet, more or less, to a point; thence,
47. North 40°07'43" West	203.85 feet, more or less, to a point; thence,
48. South 45°31'20" West	6.73 feet, more or less, to a point; thence,
49. North 86°08'13" West	27.23 feet, more or less, to a point; thence,
50. North 85°15'21" West	15.64 feet, more or less, to a point; thence,
51. North 89°59'45" West	24.53 feet, more or less, to a point; thence,
52. South 81°35'45" West	38.96 feet, more or less, to a point; thence,
53. North 84°56'57" West	57.38 feet, more or less, to a point; thence,
54. South 76°27'33" West	60.17 feet, more or less, to a point; thence,
55. North 86°20'59" West	80.46 feet, more or less, to a point; thence,
56. South 75°31'43" West	211.56 feet, more or less, to a point; thence,
57. South 52°15'18" West	32.88 feet, more or less, to a point; thence,
58. North 85°06'23" West	99.28 feet, more or less, to a point; thence,
59. North 87°02'15" West	59.08 feet, more or less, to a point; thence,
60. North 89°28'36" West	24.90 feet, more or less, to a point; thence,
61. North 53°28'36" West	37.43 feet, more or less, to a point; thence,
62. North 06°45'43" East	34.23 feet, more or less, to a point; thence,
63. North 33°14'31" West	80.16 feet, more or less, to a point; thence,
64. North 23°45'14" West	260.13 feet, more or less, to a point; thence,
65. North 62°09'27" West	83.65 feet, more or less, to a point; thence,
66. North 87°58'22" West	58.03 feet, more or less, to a point; thence,
67. North 59°06'48" West	141.76 feet, more or less, to a point; thence,
68. North 04°22'20" West	579.55 feet, more or less, to a point; thence,

MICROFILMED

page 4

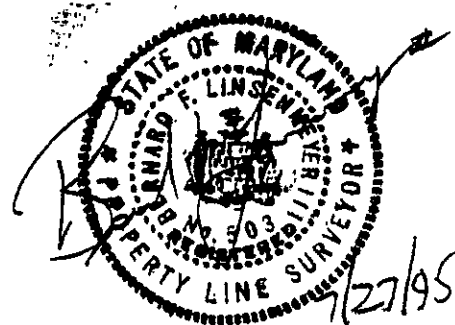
OWINGS MILLS GOLF COMMUNITY
DESCRIPTION TO ACCOMPANY ZONING PETITION
(FOR ZONING PURPOSES ONLY)
(GOLF COURSE)

July 27, 1995

96-53-SPHXA

69. South 85°37'40" West 190.00 feet, more or less, to a point; thence,
70. North 43°44'12" West 233.00 feet, more or less, to a point; thence,
71. North 52°20'52" West 210.00 feet, more or less, to a point; thence,
72. North 05°43'13" East 250.00 feet, more or less, to a point; thence,
73. North 66°10'10" East 298.20 feet, more or less, to a point; thence,
74. North 30°38'05" East 200.43 feet, more or less, to a point; thence,
75. North 08°41'29" East 240.18 feet, more or less, to a point; thence,
76. South 69°51'14" East 1,060.34 feet, more or less, to a point; thence,
77. South 26°21'43" West 233.90 feet, more or less, to a point; thence,
78. South 47°14'19" West 191.83 feet, more or less, to a point; thence,
79. South 47°25'55" West 211.27 feet, more or less, to a point; thence,
80. North 79°20'24" East 440.98 feet, more or less, to a point; thence,
81. South 62°18'45" East 1,102.38 feet, more or less, to a point; thence,
82. South 27°41'15" West 76.33 feet, more or less, to a point; thence,
83. South 62°18'45" East 143.30 feet, more or less, to a point; thence,
84. North 27°41'15" East 76.33 feet, more or less, to a point; thence,
85. South 62°18'45" East 361.90 feet, more or less, to the centerline of
Lyons Mills Road, thence running along said centerline,
86. South 14°15'53" East 128.02 feet, more or less, to a point; thence,
87. South 16°14'05" East 148.51 feet to the point of beginning.

Containing approximately 142.7 acres of land, more or less.



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2 OF 2

July 27, 1995

96-53-5 PHXA

OWINGS MILLS GOLF COMMUNITY
DESCRIPTION TO ACCOMPANY ZONING PETITION
(FOR ZONING PURPOSES ONLY)

Beginning at a point located approximately 1930 feet, more or less, North of the intersection of Lyons Mills Road and Deer Park Road, thence running,

1. North 21°21'19" East 1,114.32 feet, more or less, to a point; thence,
2. South 86°41'37" East 784.86 feet, more or less, to a point; thence, binding on the outline of the Michael J. Kitt property,
3. North 00°00'00" West 1,237.50 feet, more or less, to a point; thence,
4. South 65°30'00" West 1,060.95 feet, more or less, to a point; thence,
5. South 30°45'00" West 449.62 feet, more or less, to a point; thence,
6. South 04°30'00" East 594.00 feet, more or less, to a point; thence leaving the outline of said Kitt property,
7. South 86°41'37" East 195.00 feet, more or less, to a point; thence,
8. South 04°57'26" East 775.08 feet, more or less, to a point;
9. North 86°01'31" East 23.06 feet, more or less, to a point; thence,
10. South 00°21'40" East 130.71 feet, more or less, to a point; thence,
11. North 89°38'20" West 280.00 feet, more or less, to a point; thence,
12. South 00°21'40" East 380.00 feet, more or less, to a point; thence,
13. North 89°38'20" West 230.00 feet, more or less, to a point; thence,
14. South 00°21'40" East 518.27 feet, more or less, to a point; thence,
15. North 89°39'20" East 50.00 feet, more or less, to a point; thence,
16. South 00°21'40" East 1,153.40 feet, more or less, to the centerline of Lyons Mill Road, thence running along said centerline,
17. South 85°38'27" West, 625.00 feet, more or less, to a point; thence, leaving said Road,

page 2

OWINGS MILLS GOLF COMMUNITY
DESCRIPTION TO ACCOMPANY ZONING PETITION
(FOR ZONING PURPOSES ONLY)

July 27, 1995

96-53-SRHX A

18. North 04°21'33" West 723.00 feet, more or less, to a point; thence,
19. South 83°45'13" West 756.81 feet, more or less, to a point; thence,
20. North 59°06'24" West 444.18 feet, more or less, to a point; thence,
21. North 06°54'40" West 83.79 feet, more or less, thence running along
the centerline of Deer Park Road,
22. North 04°48'52" East 32.27 feet, more or less, to a point, thence,
23. North 77°37'26" East 319.94 feet, more or less, to a point; thence,
24. North 12°11'05" West 149.97 feet, more or less, to a point; thence,
25. South 77°34'21" West 298.64 feet, more or less, to the centerline of
Deer Park Road, thence running along said centerline,
26. North 20°59'32" West 216.06 feet, more or less, thence leaving said
Road,
27. South 71°17'27" West 328.62 feet, more or less, to a point; thence,
28. South 13°30'34" East 560.15 feet, more or less, to a point; thence,
29. South 04°46'09" West 206.56 feet, more or less, to a point; thence,
30. North 71°07'43" West 150.00 feet, more or less, to a point; thence,
31. South 18°52'17" West 220.00 feet, more or less, to the centerline of
Lyons Mill Road, thence running said centerline,
32. North 71°25'49" West 400.00 feet, more or less, to a point; thence,
33. North 70°36'04" West 198.47 feet, more or less, to a point; thence,
34. North 73°20'47" West 145.80 feet, more or less, to a point; thence,
35. South 75°08'13" West 299.75 feet, more or less, to a point; thence,
leaving said Road,

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page 3

OWINGS MILLS GOLF COMMUNITY
DESCRIPTION TO ACCOMPANY ZONING PETITION
(FOR ZONING PURPOSES ONLY)

July 27, 1995

96-53-SQHX A

36. North 06°30'13" East	12.21 feet, more or less, to a point; thence,
37. North 61°11'22" West	25.38 feet, more or less, to a point; thence,
38. North 07°51'46" West	68.10 feet, more or less, to a point; thence,
39. North 26°05'35" West	22.80 feet, more or less, to a point; thence,
40. North 21°43'47" West	39.85 feet, more or less, to a point; thence,
41. North 30°10'58" West	124.64 feet, more or less, to a point; thence,
42. North 13°10'27" East	32.95 feet, more or less, to a point; thence,
43. North 47°54'49" East	19.77 feet, more or less, to a point; thence,
44. North 28°36'28" West	172.58 feet, more or less, to a point; thence,
45. North 30°36'52" East	111.39 feet, more or less, to a point; thence,
46. North 10°35'18" East	41.81 feet, more or less, to a point; thence,
47. South 48°53'04" East	36.59 feet, more or less, to a point; thence,
48. North 16°22'03" East	73.41 feet, more or less, to a point; thence,
49. North 55°49'46" East	39.62 feet, more or less, to a point; thence,
50. North 34°36'46" East	62.44 feet, more or less, to a point; thence,
51. North 14°59'13" East	88.61 feet, more or less, to a point; thence,
52. North 05°48'15" East	294.58 feet, more or less, to a point; thence,
53. North 55°35'42" East	41.40 feet, more or less, to a point; thence,
54. North 49°35'18" West	77.95 feet, more or less, to a point; thence,
55. North 40°07'43" West	203.85 feet, more or less, to a point; thence,
56. South 45°31'20" West	6.73 feet, more or less, to a point; thence,
57. North 86°08'13" West	27.23 feet, more or less, to a point; thence,
58. North 85°15'21" West	15.64 feet, more or less, to a point; thence,

MICROFILMED

page 4

OWINGS MILLS GOLF COMMUNITY
DESCRIPTION TO ACCOMPANY ZONING PETITION
(FOR ZONING PURPOSES ONLY)

July 27, 1995

96-53-SPHXA

59. North 89°59'45" West 24.53 feet, more or less, to a point; thence,
60. South 81°35'45" West 38.96 feet, more or less, to a point; thence,
61. North 84°56'57" West 57.38 feet, more or less, to a point; thence,
62. South 76°27'33" West 60.17 feet, more or less, to a point; thence,
63. North 86°20'59" West 80.46 feet, more or less, to a point; thence,
64. South 75°31'43" West 211.56 feet, more or less, to a point; thence,
65. South 52°15'18" West 32.88 feet, more or less, to a point; thence,
66. North 85°06'23" West 99.28 feet, more or less, to a point; thence,
67. North 87°02'15" West 59.08 feet, more or less, to a point; thence,
68. North 89°28'36" West 24.90 feet, more or less, to a point; thence,
69. North 53°28'36" West 37.43 feet, more or less, to a point; thence,
70. North 06°45'43" East 34.23 feet, more or less, to a point; thence,
71. North 33°14'31" West 80.16 feet, more or less, to a point; thence,
72. North 23°45'14" West 260.13 feet, more or less, to a point; thence,
73. North 62°09'27" West 83.65 feet, more or less, to a point; thence,
74. North 87°58'22" West 58.03 feet, more or less, to a point; thence,
75. North 59°06'48" West 141.76 feet, more or less, to a point; thence,
76. South 04°22'20" East 833.13 feet, more or less, to a point; thence,
77. South 03°25'52" West 661.16 feet, more or less, to the centerline of
Lyons Mill Road, thence, running along the said centerline,
78. South 86°32'41" West 22.24 feet, more or less, to a point; thence,
79. South 89°30'11" West 320.93 feet, more or less, to a point; thence,
80. North 89°27'51" West 352.97 feet, more or less, to a point; thence,

ALLEN

page 5

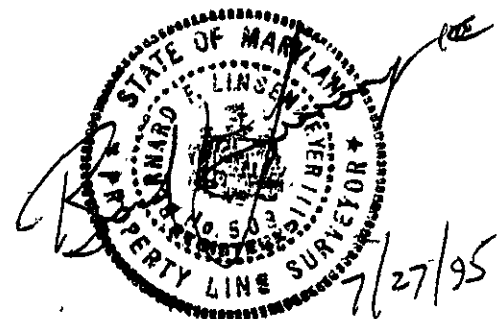
OWINGS MILLS GOLF COMMUNITY
DESCRIPTION TO ACCOMPANY ZONING PETITION
(FOR ZONING PURPOSES ONLY)
July 27, 1995

96-53-SPHXA

81. North 84°20'01" West 123.86 feet, more or less, thence leaving said Road,
82. North 05°43'13" East 2,601.44 feet, more or less, to a point; thence,
83. North 66°10'10" East 298.20 feet, more or less, to a point; thence,
84. North 30°38'05" East 200.43 feet, more or less, to a point; thence,
85. North 08°41'29" East 240.18 feet, more or less, to a point; thence,
86. South 69°51'14" East 1,060.34 feet, more or less, to a point; thence,
87. South 26°21'43" West 233.90 feet, more or less, to a point; thence,
88. South 47°14'19" West 191.83 feet, more or less, to a point; thence,
89. South 47°25'55" West 211.27 feet, more or less, to a point; thence,
90. North 79°20'24" East 440.98 feet, more or less, to a point; thence,
91. South 62°18'45" East 1,102.38 feet, more or less, to a point; thence,
92. South 27°41'15" West 76.33 feet, more or less, to a point; thence,
93. South 62°18'45" East 143.30 feet, more or less, to a point; thence,
94. North 27°41'15" East 76.33 feet, more or less, to a point; thence,
95. South 62°18'45" East 361.90 feet, more or less, to the centerline of Lyons Mills Road, thence running along said centerline,
96. South 14°15'53" East 128.02 feet, more or less, to a point; thence,
97. South 16°14'05" East 148.51 feet to the point of beginning.

Containing approximately 274.9 acres of land, more or less.

BL/glf/desc#4/OMGC.726



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 108 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-53-SPHXA

(Item 47)

NEC and NWC Lyons Mill Road and Deer Park Road Owings Mills Golf Community - RUD

2nd Election District

3rd Councilmanic

Legal Owner(s):

Margaret V. Miller, et al

Contract Purchaser:

Triangle - Deer Park Corporation

Hearing: Friday,

September 15, 1995 at

9:00 a.m. in Rm. 108, County Office Building

Special Hearing to approve the utilization of density as shown on the Planned Unit Development Plan for the Owings Mills Golf Community. Special Exception for a golf course and associated club house, swimming pool, two tennis courts, a community building, together with permitted accessory uses.

Variance to permit a side building face to side building face distance of 20 feet in lieu of 25 feet required for lots no. 114 and including 253; to permit a front yard setback of 3 feet in lieu of 50 feet required for the golf course clubhouse and the community building; to permit a side building; to permit a side building face to side building face distance of 16 feet in lieu of 20 feet required for lots no. 1 and including 112; to permit two signs at entry points containing a total of 1,220 +/- square feet of spot light illuminated identification and directional signage in lieu of the 15 square feet allowed; and to permit the proposed signs to be 8 feet high in lieu of the 3 feet allowed.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the file and/or hearing, Please Call 887-3391.
8/253 Aug. 24.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Aug 25, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Aug 24, 1995.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 47 By JLL
004844

DATE 8/2/75 ACCOUNT R0016150

AMOUNT \$ 790.00

RECEIVED FROM: LE BRUN 76-53-SPHXA

FOR: SPHXA CODE 070 650.00
4 SIGNS " " 080 140.00

03A03H0093MICHR
BA 0003:23PM08-02-95 \$790.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES.

Baltimore County zoning regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 47
Petitioner: Miller, Haas, Kitt, Collins, Martin
Location: Intersection of Deer Park Rd & Lyons Mill Rd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: MR. CHRIS FITTEN
ADDRESS: 212 WASHINGTON AVE
TOWSON, MD 21204
PHONE NUMBER: (410) 339-7133

MICROFILMED

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY
August 24, 1995 Issue - Jeffersonian

Please forward billing to:

Howard L. Alderman, Jr., Esq.
Levin & Gann, P.A.
305 W. Chesapeake Avenue #113
Towson, MD 21204
321-0600

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-53-SPHYA (Item 47)
NEC and NWC Lyons Mill Road and Deer Park Road
Owings Mill Golf Community -PUD
2nd Election District - 3rd Councilmanic
Legal Owners: Margaret V. Miller, et al
Contract Purchaser: Triangle - Deer Park Corporation
HEARING: FRIDAY, SEPTEMBER 15, 1995 at 9:00 a.m. in Room 106, County Office Building.

Special Hearing to approve the utilization of density as ^{shown} on the Planned Unit Development Plan for the Owings Mills Golf Community.

Special Exception for a golf course and associated club house, swimming pool, two tennis courts, a community building, together with permitted accessory uses.

Variance to permit a side building face to side building face distance of 20 feet in lieu of 25 feet required for lots no. 114 and including 253; to permit a front yard setback of 3 feet in lieu of 50 feet required for the golf course clubhouse and the community building; to permit a side building face to side building face distance of 16 feet in lieu of 20 feet required for lots no. 1 and including 112; to permit two signs at entry points containing a total of 1,220+/- square feet of spot light illuminated identification and directional signage in lieu of the 15 square feet allowed; and to permit the proposed signs to be 8 feet high in lieu of the 3 feet allowed.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

RECORDED

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 18, 1995

NOTICE OF HEARING

COPY

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

DEVELOPMENT PLAN HEARING

Project Number: II-501

Project Name: Owings Mills Golf Course Community

Location: N/S Lyons Mill Road, W & E of Deer Park Road

Acres: 278+/-

Developer: Triangle Development Corporation

Proposal: 84 single family homes, 289 townhouses, 112 condominiums, 18 hole golf course, clubhouse, pool.

AND

CASE NUMBER: 96-53-SPHXA (Item 47)

NEC and NWC Lyons Mill Road and Deer Park Road

Owings Mill Golf Community -PUD

2nd Election District - 3rd Councilmanic

Legal Owners: Margaret V. Miller, et al

Contract Purchaser: Triangle - Deer Park Corporation

Special Hearing to approve the utilization of density as shown on the Planned Unit Development Plan for the Owings Mills Golf Community.

Special Exception for a golf course and associated club house, swimming pool, two tennis courts, a community building, together with permitted accessory uses.

Variance to permit a side building face to side building face distance of 20 feet in lieu of 25 feet required for lots no. 114 and including 253; to permit a front yard setback of 3 feet in lieu of 50 feet required for the golf course clubhouse and the community building; to permit a side building face to side building face distance of 16 feet in lieu of 20 feet required for lots no. 1 and including 112; to permit two signs at entry points containing a total of 1,220+/- square feet of spot light illuminated identification and directional signage in lieu of the 15 square feet allowed; and to permit the proposed signs to be 8 feet high in lieu of the 3 feet allowed.

HEARING: FRIDAY, SEPTEMBER 15, 1995 at 9:00 a.m. in Room 106, County Office Building.

Arnold Jablon
Director

cc: Howard L. Alderman, Jr., Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 7, 1995

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
305 West Chesapeake Avenue
Towson, Maryland 21204

RE: Item No.: 47
Case No.: 96-53-SPHXA
Petitioner: Triangle Development

Dear Mr. Alderman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 2, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED




BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: August 30, 1995

FROM: Pat Keller, Director, OP 

SUBJECT: Owings Mills Golf Community

INFORMATION:

Item Number: 47

Petitioner: Triangle Development Corporation

Property Size: _____

Zoning: DR-3.5, RC-4 and RC-5

Requested Action: Special Hearing and Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The attached comment of August 30, 1995 reflects the position of this office regarding the subject request.

Prepared by: Jeffrey W. Long

Division Chief: Dan L. Kerns

PK/JL

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DEVELOPMENT PLAN CONFERENCE

TO: Arnold Jablon, Director - Department of Permits & Development Management
FROM: Arnold F. (Pat) Keller, III, Director - Office of Planning
DATE: August 30, 1995
PROJECT NAME: Owings Mills Golf Community - PUD R-1
PROJECT NUMBER: II-501
PROJECT PLANNER: Ervin McDaniel

GENERAL INFORMATION:

Applicant Name: Triangle Development Corp
c/o Henry Lebrun
212 Washington Ave Baltimore MD 21204
Location: Deer Park & Dolfield Roads
Councilmanic District: 3rd District
Growth Management Area: Urban Center - Owings Mills
Zoning: DR 3.5, RC 4 & RC 5
Acres: 278 acres

Surrounding Land Use and Zoning:

North:	R.C. 4	Rural Residential
South:	R.C. 5	Rural Residential
East:	D.R. 3.5	Residential
West:	R.C. 4	Institutional

Project Proposal:

The Applicant proposes 84 single-family dwellings, 289 town houses, 112 condos and an 18 hole golf course on 278 acres of land zoned RC 5 (128.1 acres), DR 3.5 (109.6 acres) and RC 4 (40.3 acres). Parking is required for 804 vehicles while 825 spaces are provided. Open space of 5.6 acres is required. A Modification of Standards will be requested to allow up to eight town house units in a row and to allow a building to building setback of 12' for single-family units. A Waiver of Public Works Standards will be requested for certain offsite roads. A Special Exception is required to allow a golf course. Two (2) single-family dwellings, a mobile home and accessory structures exist on the site. One of the dwellings will remain. Slopes

greater than 15% are scattered throughout the site. There are also wetlands and floodplains throughout the site.

Other Anticipated Actions and Additional Review Items:

<input checked="" type="checkbox"/> Special Exception	<input checked="" type="checkbox"/> Referral to Planning Board	<input checked="" type="checkbox"/> PUD
<input checked="" type="checkbox"/> Variance	<input checked="" type="checkbox"/> Compatibility	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> Waiver	<input type="checkbox"/> Scenic Route	
<input type="checkbox"/> RTA Modification	<input type="checkbox"/> Design Review Panel	

PARTIES OFFICE OF PLANNING RECOMMENDED TO BE NOTIFIED BY APPLICANT:

ALL ADJACENT PROPERTY OWNERS

Holbrook-Chapel Dale Comm Assoc
Barbara Hartman, Pres
4325 Holbrook Rd
Randallstown MD 21133

Soldiers Delight Conservation Inc
Dr. Fred Goethe, Pres
5100 Deer Park Rd
Owings Mills MD 21117

Silverbrook Farm HOA
Martin L Buckman, Pres
4407 Silverbrook Ln C-102
Owings Mills MD 21117

Five Oaks HOA
Tom Havron
9344 Town Place Dr
Owings Mills MD 21136

Twelve Trees Association
Frank Greenberg
PO Box 535
Randallstown, MD 21133

Reisterstown-Owings Mills-Glyndon
Coordinating Council
Robert D Sellers, Zoning Chairman
4125 Worthington Avenue
Reisterstown MD 21136

RENEW
Diane F Goldbloom, Pres
3936 Nemo Rd
Randallstown MD 21133

Reisterstown-Owings Mills-Glyndon
Chamber of Commerce
Sandy Smith, Exec Dir
11502 Reisterstown Rd
Owings Mills MD 21117

Briarhurst Community Association
Linda D. Wacker
5 Holshire Ct.
Randallstown, MD 21133

MEETINGS:

Concept Plan Conference	<u>11 / 14 / 94</u>	Community Input Meeting	<u>12 / 14 / 94</u>
Development Plan Conference	<u>08 / 30 / 95</u>	Community Input Meeting	<u>01 / 04 / 95</u>
Hearing Officer's Hearing	<u>09 / 15 / 95</u>	Planning Board	<u>04 / 27 / 95</u>

WILLIAM

RECOMMENDATION(S)

PLANNING BOARD

At its meeting on April 27, 1995, the Planning Board voted to approve the PUD R1 Concept Plan for "Owings Mills Golf Community" subject to the conditions as amended to the Director's Report (see attached).

AUTHORIZATION/DEVELOPMENT PLAN

After reviewing the Authorization/Development Plan for the PUD R1 "Owings Mills Golf Community" for conformance with the Concept Plan comments and Planning Board's recommendations, the Office of Planning recommends the plan be approved subject to the listing(s) below.

1. The applicant should append the elevations, cross-sections and landscape plan to the PUD R1 Authorization/Development Plan.
2. The Conservancy and Building Area should be clearly delineated on the plan. The information block calculating the RC 4 acreage, density, building area and Conservancy Area should be included on the plan (see Concept Plan comments under Zoning Regulations for more detail pages 4 and 5).

COMPATIBILITY

Section 26-282.a of the Development Regulations requires the Director of Planning to make compatibility recommendations to the Hearing Officer for PUDs. The Director finds this project to be compatible after reviewing this project in accordance with the Residential Compatibility Objectives within the CMDP.

The Office of Planning and Zoning defines the neighborhood for the Owings Mills Golf Community as:

- ° Dolfeld Road, Shipe Lane to Soldiers Delight to the North,
- ° Lyons Mill Road to the South,
- ° Marriotsville Road (Lyons Manor Community) to the East,
- ° Locust Run, Soldiers Delight and the vacant properties to the West.

Review of the PUD Concept Plan, Compatibility report, and architectural drawings labeled Exhibit "F" shows the following:

Site Planning

The proposed development pattern organizes roads, houses and open spaces in a manner that provides smooth transitions between the new development and the existing neighborhood. This is accomplished by placing similar housing types adjacent to the existing residential properties, the golf course layout, retaining forested areas, and placing landscape buffers so that the new development is screened from the existing public roads and residential properties.

Three major building types are proposed; single family detached, town homes, and condominiums. These building groups are arranged so that the single family houses are adjacent to the existing single family neighborhood and the town houses are located below the crest of the hill, out of site from the adjacent Lyons Mill Community. The town houses are arranged so that no rear yards face the proposed public roads and landscape buffers screen parking areas from public view. The condominiums are located along the golf course approximately 920' from

the Lyons Manor community and 600' from Dolfield Road providing considerable natural wooded and planted landscape buffers between the new and existing homes.

The proposed golf course complements the Owings Mills Open Space Plan and makes an appropriate transition from the developed areas to the rural landscape.

Landscape Design

A 25' wide landscape buffer is proposed in the rear of the single family lots adjacent to Lyons Manor community. This buffer is not required for detached home development but will provide additional landscape screening between the new development and existing houses.

A 50' landscape buffer is proposed to screen the rear yards of the single family detached homes from the existing properties on Lyons Mills Road. This buffer is twice the 20' landscape buffer required for arterials, substantially increasing the effectiveness of the landscape screening and improving the appearance of Lyons Mills Road streetscape.

Extensive landscaping is proposed to screen the town house and condominium parking areas from public view.

Street tree plantings, landscaping at the entrances, and park-like landscaping of the golf course and other planned open spaces will reinforce the neighborhood character and visual quality of the development.

Building Architecture

The proposed single family houses are similar in size, scale, height and bulk to the existing homes in the Lyons Mill Community (as demonstrated in sections A-A and B-B of the applicants submittal). All three housing types are proposed to maintain a residential suburban character.

SPECIAL EXCEPTION

The Office of Planning supports the requested Special Exception for a golf course and associated club house, swimming pool, tennis courts and community building.

VARIANCE

The Office of Planning support the requested variances based upon the PUD R1 Plan approved by the Baltimore County Planning Board.

SPECIAL HEARING

The Office of Planning supports the density for Owings Mills Golf Community PUD R1 plan.

Division Chief



EMD:rdn

SPHYA
96-53
Jan. 9, 13

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
September 1, 1995

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #47 - Owings Mills Golf Community
Lyons Mill & Deer Park Roads
Zoning Advisory Committee Meeting of August 14, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Development of the property must comply with Regulations for Forest Conservation.

Development of the property must comply with DEPRM's Golf Course Guidelines.

Reference is made to the comments presented at the Development Plan Conference.

J
JLP:VK:sp

OWINGS/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: August 22, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, ^{RWB/DK} P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for August 21, 1995
Items 044, 046, (047), 048, 049, 051, 053 and 054

The Development Plans Review Division has reviewed
the subject zoning items and we have no comments.

RWB:sw

MICROFILMED



Maryland Department of Transportation
State Highway Administration

RECEIVED

AUG 15 1995

ZADM

August 11, 1995

8/15/95
David L. Winstead
Secretary
Hal Kassoff
Administrator 3877-45

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
MD 26 - East Side at
Lyons Mill Road
Intersection
Owings Mills Golf
Community
Special Hearing Variance
& Special Exception
Request
Item #047 (JLL)
Mile Post 2.15

Dear Ms. Watson:

This letter is in response to your request for our review of the plan for the referenced item.

In our previous review of the concept plan for the subject development and in our letter to Mr. Donald T. Rascoe, Development Manager for Baltimore County, dated 11/9/94, we indicated that although there is no direct access onto a State roadway from the proposed development, given the close proximity to the intersection of MD 26 and Lyons Mills Road, we recommend the county require the developer to submit a Traffic Impact Analysis (TIA) for our review in order to determine what impact, if any, the additional traffic (3,119 ADT's) may have at the aforementioned intersection.

In addition, the recommended TIA and final development plan should indicate that MD 26 is identified in the State Highway Administration's (SHA) current and long range planning documents for a future 80' right-of-way at the intersection of MD 26 and Lyons Mill Road in conjunction with future roadway improvements along MD 26 in this area.

Therefore, although we have no objection to approval of the special hearing, special exceptions and variance requests as submitted, our aforementioned comments regarding the recommended traffic impact analysis and right-of-way, indicated in our November 1994 letter remain valid.

My telephone number is 410-333-1350 (Fax# 333-1041)

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Ms. Joyce Watson
Page two
August 11, 1995

Should you have any questions, please contact Bob Small at
(410) 333-1350.

Thank you for the opportunity to review this plan.

Very truly yours,

David N Ramsey
Mr. Ronald Burns, Chief
Engineering Access Permits
Division

BS/maw

cc: Mr. Darrell Wiles

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/08/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: MARGARET V. MILLER, TRUSTEE & MARGARET V. MILLER &
GLADYS C. HAAS & FLORENCE FOX KITT & GEORGE R. COLLINS & WILLIAM B.
MARTIN & LEONARD A. MILLER, TRUSTEE, & LEONARD A. MILLER.
LOCATION: NE & NWC LYONS MILL RD. AND DEER PARK RD. (OWINGS MILLS GOLF
COMMUNITY - PUD)

Item No.: 047

Zoning Agenda: SPECIAL HEARING / VARIANCE
SPECIAL EXCEPTION

Gentlemen:

Pursuant to your request, the referenced property has been surveyed
by this Bureau and the comments below are applicable and required to
be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the
Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site
shall comply with all applicable requirements of the National Fire
Protection Association Standard No. 101 "Life Safety Code", 1991
edition prior to occupancy.

MICROFILMED

RECEIVED

AUG 11 1995

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

ZADM



cc: File

Printed on Recycled Paper

PETITION PROBLEMS AGENDA OF

#44 --- RT

1. Need power of attorney for person signing for contract purchaser.
2. Who signed petition for attorney?

#45 --- MJK

1. Need power of attorney for person signing for contract purchaser.

#47--- JLL

1. Margaret Miller is trustee for who?
2. Need power of attorney for Margaret Miller, trustee.
3. Leonard Miller is trustee for who?
4. Need power of attorney for Leonard Miller, trustee.
5. Need telephone numbers for all legal owners.

#50 --- JLL

1. Notary section is incomplete.

#51 --- JCM

1. Notary section is incomplete.

#52 --- JJS

1. No item number on receipt.
2. No city, state, or zip code for legal owner.

#53 --- JJS

1. No zoning indicated on petition form.

WILLIAM H. HARRIS

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR SPECIAL EXCEPTION		
PETITION FOR VARIANCE	*	ZONING COMMISSIONER
NEC and NWC Lyons Mill Rd and Deer Park Rd		
Owings Mill Golf Community - PUD	*	OF BALTIMORE COUNTY
2nd Election District, 3rd Councilmanic	*	CASE NO. 96-53-SPHXA
Margaret V. Miller, et al.	*	
Petitioners	*	

* * * * *

AMENDED *
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th *September* day of ~~August~~, 1995, a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esquire, Levin & Gann, P.A., 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

MICROFILMED

~~Geo~~ IS A P.U.D. IN DEV SYSTEM.

2 SIGNS LYONS MILL RD.

2 SIGNS DEAR PARK RD.

HOWARD ALDERMAN IS PROVIDING A COPY ~~OF~~ OF THE
NAMES + ADDRESSES (^{MAILING} ^{AS SHOWN} FROM THE PLAN) OF THE
OWNERS WHO SIGNED THE CONTINUATION FORM ATTACHED
TO THE PETITIONS SHEETS. FOR EACH SET OF
INDIVIDUAL FORMS.

MICROFILMED



COMMUNITY INPUT MEETING MINUTES

Development Name: OWINGS MILLS GOLF COMMUNITY

Date: December 14, 1994

Location: Deer Park Middle School

ZADM File No: II-501

District: 2C3

Joseph V. Maranto, representing the Office of Zoning Administration and Development Management, called the meeting to order. Brief introductory comments were given about Baltimore County's development approval process and the purpose of the meeting. Senator Paula Hollinger was represented by Ms. Robin Stevens. Also in attendance were Delegate-elect Michael Finifter, Ms. Dianne Gilbert, representing Councilman T. Brian McIntire, Ms. Valerie Klein, Mr. Larry Yeager, & Mr. Steve Mogilnicki of the Department of Environmental Protection and Resource Management, Mr. John Lewis of the Office of Zoning Administration and Development Management, Mr. Michael Grossman of the Department of Recreation and Parks, Mr. Jack Dillon of the Office of Planning and Zoning, Mr. Tom Sadowski of the Economic Development Commission, and Mr. Robert W. Bowling of the Department of Public Works.

Alan Scoll, of D. S. Thaler & Associates Inc., representing the developer, presented the plan for Triangle Development Corporation. He indicated that the property contains approximately 278 acres which will be developed into an 18 hole golf course, 84 single family homes, 289 townhouses, and 112 condominiums. The meeting was then opened for general discussion and questions as follows:

Q. I'd like to know the breakdown of the number of houses compared to this proposal.

A. The previous plan presented in 1992 showed more than 300 single family homes. All of the lots were 40 feet wide. Under the code, this would only permit a 20 foot wide house. The proposal on the board shows 85 single family homes (including one existing house to remain), 167 garage townhouses, 122 townhouses without garages, and 112 condominiums. It was noted that there was an error in the unit count shown on the plan. The figure for garage townhouses should have been 64 units, not 167.

Q. Is the first plan still valid?

A. The plan presented in 1992 is not still a viable plan. The plan on the board is less environmentally intrusive than the original plan.

Q. The way the development is pushed toward Lyons Manor development, the shortest way is through Marriottsville Road.

A. We have not ordered a traffic study, but will probably do so at the next level. There are two main entrances into the development; three entrances to the golf course and the residential development off Deer Park Road, Dolfield Road, and Tavern Keep Road.

Q. Who will pay for the sewer that will be needed?

A. The developer will pay the entire cost for the sewer extension.

Q. What will we do about traffic on Marriottsville Road?

MICHAEL FINIFTER

A. As you know, Owings Mills is the County's # 1 growth center. A significant amount of money has been put into infrastructure to improve the road network. It is not yet fully completed and you can see through the context map that there is an extensive network of roads planned for the area.

Q. There are two main entrances at Dolfeld Road and Deer Park Road. Why is an access necessary through Lyons Manor?

A. We previously showed a connection through Rolling Ridge. As a master plan objective, we have made an attempt to connect neighborhoods to maximize circulation.

Q. Why can't you put in fewer, more expensive single family homes?

A. It is not cost effective to do that.

Q. Is it 320 homes, or 485 that you are proposing? How can the density remain the same?

A. 485 units is the allowable density permitted by the DR 3.5 zone; there is additional density permitted within the RC 4 and RC 5 zones that we have elected not to utilize.

Q. I have read the Master Plan and it indicates that only single family homes would be permitted here!

A. I don't think that the Master Plan says only single family homes...the code permits the use that is proposed. The townhouses are set back with a 50 foot buffer. We have dispersed the townhouses so that we will not have a solid wall of housing. There is a court-like setting for each group of townhouses.

Q. Why are you proposing gate houses? There exists the potential for an ugly social situation.

A. The gate houses are for decoration only. Public roads are not permitted to have functional gate houses.

Q. What is the public benefit for the Planned Unit Development (PUD)?

A. There are two types of PUD. The PUD R-1 does not permit commercial uses, there is no increase in density. It is simply a method of reviewing the plan. It allows greater control from the county's point of view in terms of architectural review, compatibility, etc. There is no public benefit required under the PUD R-1; however, the amenity of a public golf course provides a benefit.

Q. I own a welding shop on Lyons Mill Road. If they build, will I have to build a wall around my property? Mr. Lee expressed concern for the ultimate road widening and how it could adversely affect unloading of trucks in front of his property.

A. If you are operating your business as a legal permitted use, no one can force you to relocate.

Q. You wanted to provide access to the public sewer. Was that the sole determination for where the houses would go?

A. To move the houses to another part of the site would cause a greater environmental impact. The only way to serve the homes with water and sewer is in the location proposed. We also wanted to maximize the amount of property for use of the golf course and as open space.

Q. Will the irrigation affect the surrounding wells?

A. The developer needs to address ground water quality issues. We will look at adjacent well impact analysis; we also look at drawdown and its impact. There will be a baseline water quality monitoring procedure that will establish a network of monitoring prior to, during and following the development. These issues are addressed later in the process.

Q. Will the storm water management pond attract mosquitoes?

A. The storm water management facilities are to be fenced and landscaped to be an attractive amenity. Nothing that we are aware of indicates that the ponds will attract mosquitoes. The ponds will have natural sunlight and the conditions are not conducive to mosquitoes.

UNRECORDED

Q. Once you have gotten approval of the golf course, how can you guarantee that the golf course will not be developed into more houses?

A. The PUD and the Development Plan will have to be approved by the Hearing Officer. If approved by the Hearing Officer, all of the remaining forests will be locked up as protective easements. Any material change to the plan would require a additional public hearing.

Q. What is the benefit of the PUD to the developer?

A. It allows additional flexibility in the placement of housing. Under the old regulations, you could move houses across zoning lines. The new regulations do not permit that. The PUD regulations permit the transfer of density while requiring compatibility finding, analysis of impact, and architectural review.

Q. Is the tree buffer to be maintained adjacent to the Lyons Manor subdivision for environmental and aesthetic reasons?

A. We have not completed any final grading plans to determine what extent of tree buffer will remain, but tree conservation is a priority. It has been treated as a priority in the layout of this development.

Q. The route into the eastern portion of the site is up Marriottsville Road and through Tavern Keep Road. Two cars per unit = 540 cars. Why not add an additional road for access? Can you put in a direct access road into Lyons Mills Road? This development will also impact Marriottsville Road.

A. We are still in the very early planning stages. We have not ruled that out.

Q. Who will manage the golf course?

A. It was offered to the county. The offer was declined. It will probably be privately run as a public course open to the public.

Q. Where will the kids from the development go to school? Can we have a Baltimore County school staff representative present at the next meeting?

A. Deer Park Elementary, Deer Park Middle and Owings Mills High School will serve the development. I will request that a representative of the Board of Education be present at the January 4th meeting to respond to your concerns.

S. I am concerned about the social impact of the development. I chose to live here because I thought property would appreciate more if I live in Owings Mills. Lyons Mill Road will become more overcrowded. I would like to see you build single family homes so that our houses will appreciate in value.

Q. Were our properties rezoned without our notice?

A. No. There have been relatively few zoning changes since 1984. In 1988, part of this property was rezoned following highly publicized public hearings. This is a process that occurs every four years. If the county sponsors a zoning change, the county is required to notify property owners. We work closely with community associations to keep them informed of all proposed changes.

Q. Will the golf course be required to water with well water or city water?

A. As far as the water use, it is up to the developer. For well water, the developer needs to obtain a Water Appropriation Permit. There is a water balance assessment that is also necessary. If the State thinks the amount of water will be available, the permit will be issued. On-site monitoring will be necessary. If the developer is using ground water, monitoring wells will be set up to test water to determine if compounds such as fertilizers are getting into the ground water. Each green and tee will be required to have a water quality management area. In the case of ground water contamination, we will go after the developer.

Q. Why have you chosen an area considered wetlands to construct a golf course?

A.. Under new regulations, there are few properties that don't have environmental considerations. The golf course has been designed to be as environmentally sensitive as possible. Buffers are proposed around environmentally sensitive areas. The golf course is in the uplands area where it will have the least impact on wetlands and the least amount of grading necessary.

Q. Has a study been completed as required by 26-277 of the Baltimore County Code regarding steep slopes and prime and productive soils?

A. Yes. It has been reviewed and approved by the Department of Environmental Protection and Resource Management. This establishes forest buffers and setbacks. There is no RC 2 zone on this property, so the prime and productive soils analysis is not required. You may contact Wally Lippincott in the Department of Environmental Protection and Resource Management for further information.

Q. Has the Department of Public Works studied the sewer interceptor for rumors of a surcharge in the line?

A. The plan has been circulated to the Sewer Design Section for review. There is plenty of capacity available.

Q. If you consider a build out rate for the development within the acreage that is being developed, can you explain what density is being proposed, not including the RC 4 and RC5?

A. We have not looked at that issue; however, we will provide the calculations you have requested.

Q. What is the purpose of the water tank?

A. To increase water pressure.

Q. Do you have a proposal for buildout?

A. The plan is for the golf course and residential components to begin simultaneously, depending on market conditions. We hope to begin within one year.

Q. What is the present and proposed width of Dolfield Road? and, are there any plans to relocate any section of Dolfield Road?

A. In front of the property, the road will be increased to 24 feet in width, in other areas, it will also be widened to 24 feet. While there were areas of the road that were studied for relocation, the road will remain in the same alignment.

Q. What recourse do I have if my well goes dry?

A. There is no guarantee, but the developer will be required to apply for a Water Appropriation Permit and demonstrate to the State that the drawdown will not affect other existing wells.

Q. Why can't the golf course be watered by public water?

A. The developer has the right to make his choice and apply for the proper permits.

Q. The county has acquired property along Lyons Mills Road. When will they tell us what they are going to do and when the road will be widened?

A. At the present time, there are no plans to widen the road. Developers will be required to widen and improve the road as development occurs.

Q. Why has the developer planned a maintenance shed and water quality facility where they are?

A. A number of factors went into that decision and that is just the way it worked out.

Q. How can we stop this project?

A. It was explained that the development process is a set of very complex, technical procedures. In all development cases, if your interests need to be protected, it is strongly recommended that you seek professional advice. It would be wise to retain legal counsel that is intimately familiar with the County Code,

MICROFILMED

the Development Regulations, and all other policies, rules and regulations of the County that pertain to the development process. If there are specific areas of concern that may form the basis of future testimony before the Hearing Officer or an appeal to the Board of Appeals, it would be wise to consider engaging the services of an attorney, a land use expert, traffic or environmental consultant, or other qualified professionals that can effectively represent your interests.

Following closing comments about the next steps in the development process, the meeting was officially adjourned.

The date for the 2nd Community Input Meeting was announced and will be held on January 4, 1995 at 7:00 pm at the Deer Park Middle School, 9830 Winands Road.

Owings Mills Golf Community - CIM Minutes 12/14/94

Respectfully submitted,

Joseph V. Maranto
Joseph V. Maranto
Project Manager

C:

Hon. T. Bryan McIntire - D3
COUNTY COUNCIL

M.S. 2201

Triangle Development Corp
212 Washington Avenue
Towson, MD 21204

Alan E. Scoll, RLA
D.S. Thaler & Associates, Inc.
7115 Ambassador Rd
Baltimore, MD 21207

Holbrook-Chapeldale Comm Assoc
Barbara Hartman, Pres.
4325 Holbrook Rd
Randallstown, MD 21133

Soldiers Delight Donsevation Inc
Dr. Fred Goethe, Pres.
5100 Deer Park Road
Owings Mills, MD 21117

Silverbrook Farm HOA
Martin L. Buckman, Pres.
4407 Silverbrook Lane - C-102
Owings Mills, MD 21117

Five Oaks HOA
Tom Havron
9344 Town Place Drive
Owings Mills, MD 21136

Twelve Trees Association
Frank Greenberg
P.O. Box 535
Randallstown, MD 21133

Reisterstn-Owings Mill-
Glyndon Coordinating Council
Robert D. Sellers, Zon. Chairmn
4125 Worthington Avenue
Reisterstown, MD 21136

RENEW
Diane F. Goldbloom, Pres.
3936 Nemo Road
Randallstown, MD 21133

Reisterstown-Owings Mills-
Glyndon Chamber of Commerce
Sandy Smith, Executive Director
11502 Reisterstown Road
Owings Mills, MD 21117

Briarhurst Community Assoc.
Linda D. Wacker
5 Holshire Court
Randallstown, MD 21133

Reviewing Agencies: OPZ, ZADM, R&P, DPW, DEPRM, EDC, CDC,
Bd. of Ed., Fire, SHA- Please distribute as necessary within
your agency.

APPROVED

December 12, 1994

RECEIVED

Mr. Arnold Keller, Director
Office of Planning and Zoning
401 Bosley Avenue, Room 406
Towson, Maryland 21204

DEC 22 1994

**OFFICE OF
PLANNING & ZONING**

Dear Mr. Keller

This letter is in reference to the proposed Owings Mills Golf Community. I am a recent resident of the Lyons Mills Community (October 1994). Before purchasing this property I contacted the Planning Office and was advised that the property adjacent to the lot I was considering was zoned DR 3.5 single family. Based on this information, I went ahead with my purchase believing I had taken the necessary steps. Recently, I received a notice informing me that Baltimore County Planning office was supporting a proposed community of 289 town houses and 111 condos and very few single family homes.

Based on the information I received from the Triangle Developer, in addition to proposing townhouses and condos, he is seeking a rezoning change as well. I am not against economic development, the proposed golf community would probably be an asset to the county; however, I am opposed to having this land rezoned to PUD 1 and having townhouses constructed 50 feet from my property line. There is not enough natural infrastructure to separate the property lines and shield us from the massive townhouses planned. The proposed plan is an inconsiderate concept to the new homeowners at Lyons Manor. The density in this area is already very high, the proposed plan will allow an enormous amount of traffic through the Lyons Manor development as well as Lyons Mills Road. A traffic survey or impact study should show that the townhouse traffic and golf traffic is too much for this community. The proposed plan shows all the homes on the east of the property and using Marriottsville road as the main thoroughfare.

Please advise as to why the property has to be rezoned from Dr 3.5 to PUD 1 to build the proposed community and if this reclassification will allow the developer to build whatever he desires on the property, the minimum and maximum amount of setback required and the reasons behind the requirement that townhouses be clustered in no more than 6 units.

I appeal to you to not to recommend a change in the zoning of the property and to request that the builder construct homes equal in value to the homes now adjacent to the property. The townhouses rising over our single family homes would be very obtrusive, an injustice to the beauty of the area and would make our community very transient. We will be totally surrounded by townhouses on every side. Thank you.

Gloria Crowder *Gloria Crowder*
9 Ambling Way Court

Baltimore County Government
Office of Planning and Zoning



401 Bosley Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

December 28, 1994

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JAN 8 1995

Gloria Crowder
9 Ambling Way Court
Baltimore, Maryland 21210

ZADM

Dear Ms. Crowder,

The Office of Planning and Zoning is in receipt of your letter dated 12/12/94. The time and effort that you have taken to express your concerns is appreciated. In reference to your letter the following information is provided.

- When the Owings Mills Golf community proposed revising their plans for residential development from single-family detached zero lots to single-family detached houses with townhouses and condominiums the Office was unaware of any community concerns regarding the residential development of this property. Through the new development process we are now in receipt of 1) comments provided at the Community Input Meeting, 2) the petition from the residents of Lyons Manor, and 3) written and verbal correspondence from individuals living within Lyons Manor.

- The Planned Unit Development is not a matter of right and must gain approval of the Baltimore County Planning Board in order to proceed to the Hearing Officer. All affected parties will have adequate time to state their concerns before the Planning Board and the Hearing Officer if the project proceeds to that level.

- Townhouses located in DR 3.5 zones are not a matter of right. The PUD allows the developer to request changes to zoning regulations, building types, setbacks, etc. The residential transition area (RTA) is one such requirement which stipulate that buildings must be setback 75 feet from the tract boundary including a 50 foot setback which must remain as an undisturbed buffer.

- At the Community Input Meeting, there was confusion on the part of the developer regarding the exact density of the project. Land used for the golf course cannot be used for residential density as both uses constitute a 'use of land' as defined within the Baltimore County Zoning Regulations.

- The property has not been rezoned from DR 3.5 (which allows only single-family detached dwellings). The developer is requesting consideration for a PUD-RI so that condominiums and townhouses can be constructed on the tract. The restrictions on the number of townhouses (6) in any group is provided in the Baltimore County Zoning Regulations, and the Comprehensive Manual of Development Policies.

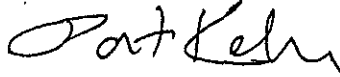


P2 Gloria Crowder
December 28, 1994

Based upon the concerns raised by the Lyons Manor Community, the Office of Planning and Zoning will be re-evaluating the townhouse section located directly adjacent to your community. This Office has requested a road connection south to Lyons Mill Road and as such will continue to push for this connection.

Once again, thank you for taking the time to inform us of your concerns and issues. Hopefully, the outstanding issues can be resolved with the developer so that the project can proceed.

Sincerely,



Pat Keller, Director
Office of Planning and Zoning

PK:rdn

bc: Joseph Maranto, ZADM, Project Manager

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR.

October 2, 1995

VIA HAND DELIVERY

Lawrence E. Schmidt, Esquire
Zoning Commissioner for Baltimore County
Old Court House
Towson, MD 21204

J. Carroll Holzer, Esquire
Holzer and Lee
305 Washington Avenue, Suite 502
Towson, MD 21204

RE: Owings Mills Golf Community
Draft Order: Development Plan/PUD Plan
Zoning Relief

Gentlemen:

I enclose herewith a draft of the proposed Order prepared at Mr. Schmidt's direction at the conclusion of the above-referenced hearing. Please review this draft and advise me of any modifications or additions that you deem necessary.

I can easily produce a "redline" reflecting any changes to enable quick review of the document in its final form. Please call me as soon as possible with any changes so that the "final" version can be produced and executed within the fifteen (15) day statutory period.

Thanks for your cooperation in this regard and I look forward to hearing from each of you shortly.

Very truly yours,



Howard L. Alderman, Jr.

HLA/gk
Enclosure
c (w/encl.): Triangle Deer Park Corporation
David S. Thaler, P.E. (via telefax only)

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

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305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR.

October 6, 1995

VIA HAND DELIVERY

Lawrence E. Schmidt, Esquire
Zoning Commissioner for Baltimore County
Old Court House - Room 112
Towson, MD 21204

RE: Owings Mills Golf Community
Development Case No. II-501
Zoning Case No. 96-53-SPHXA
Revised Final Order

Dear Mr. Schmidt:

I had delivered to your officer earlier this week a draft of the opinion and order in the above-referenced matter. A copy of that document was also provided to J. Carroll Holzer, Esquire who represents the community members.

I have received this date via telefax from Mr. Holzer the changes to the draft opinion and order desired by him and his clients. Those modifications have been made and I enclose herewith a "redline" of the pages that were modified showing the original text and the text of the final opinion and order.

When I spoke with Mr. Holzer yesterday, I asked that he call you regarding his review of the draft opinion and order. I have received authorization from Mr. Holzer's office this morning, that once the changes shown on the enclosed redline sheets were made, I could sign his signature approving the form and sufficiency of the enclosed final opinion and order (Mr. Holzer will not be available to sign for himself as he is out of the office all day today.) I have also signed approving the final order for form and sufficiency.

I would appreciate it if you would review this final opinion and order and, if in accord with your decision in this matter, execute same before close of business this date. I will be available if you have any questions.


10/10/95 10:10 AM

LEVIN & GANN, P. A.

Lawrence E. Schmidt, Esquire
Zoning Commissioner for Baltimore County
October 6, 1995
Page 2

On behalf of my clients, thank you for your thoughtful consideration in this matter.

Very truly yours,



Howard L. Alderman, Jr.

HLA/gk
Enclosures (2)
c(w/encl.): Triangle Deer Park Corporation
J. Carroll Holzer, Esquire

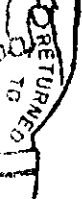


Baltimore County Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

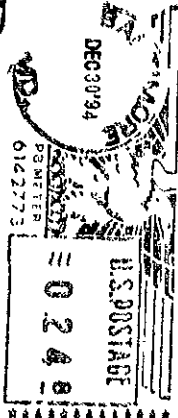
RECEIVED
JAN 23 1995
ZONING

Five Oaks HOA
Tom Havron
9344 Town Place
Owens, MD 21206

FORWARDING EXP. 1117



PRESORTED
FIRST CLASS



U.S. POSTAGE
0248

Handwritten signature

RECEIVED

PLEASE PRINT CLEARLY

BALTIMORE COUNTY REPRESENTATIVES
SIGN-IN SHEET

NAME

ADDRESS

Larry Pilson

DEPRM 887-3980

Robert Bowmer

PDM 887-3751

Ervin McDermott

Planning

BOB SMALL

SHA 333-1350

JOE MARANTO

PDM

MICROFILMED

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Gloria Crowder

9 Ambler Way 21117

J = sent copy

Michael & Florence Kitt
11 Slade Avenue
Baltimore, Maryland 21208

George & Louise Collins
10122 Lyons Mill Road
Owings Mills, Maryland 21117

William & Elizabeth Martin
10418 Liberty Road
Randallstown, Maryland 21133

Leonard & Mildred Miller
4505 Deer Park Road
Owings Mills, Maryland 21117

Gladys Haas
2416 Chetwood Circle
Timonium, Maryland 21093

John Miller Sr. Ac. Trustees
4505 Deer Park Road
Owings Mills, Maryland 21117

Margaret & Majorie Miller
5412 Emerald Drive
Eldersburg, Maryland 21784

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
Suite 113
305 W. Chesapeake Avenue
Towson, Maryland 21204

The complete addresses of all
owners are contained on the
following sheet

The complete addresses of all
owners are contained on the
following sheet

EVERY

EVERY

EVERY

EVERY

EVERY

EVERY

EVERY

EVERY

EVERY

EVERY

**PETITIONER'S
EXHIBIT**

**PROTESTANT
EXHIBIT NO. 1**
Copy taken to hearing 7/21/95

DEVELOPMENT/COVENANT AGREEMENT

Joint Exhibit

THIS DEVELOPMENT/COVENANT AGREEMENT (this "Agreement") is entered into as of the _____ day of _____, 1995, by and among TRIANGLE-DEER PARK CORPORATION, a Maryland Corporation (hereinafter "Developer"); and the LYONS MANOR COMMUNITY ASSOCIATION, INC., (the "Association") and the members of the community whose names are subscribed hereto as individual property owners, if any (hereinafter collectively, with the Association, referred to as the "Neighbors").

RECITALS

A. Developer is the contract purchaser of certain parcels of land located on the east and west sides of Deer Park Road, north of Lyons Mill Road in the second election district and third councilmanic district of Baltimore County, Maryland (the "Development Land").

B. The Development Land is adjacent to land owned by certain of the Neighbors and is that land on which the Developer has proposed a residential and golf course community known as "Owings Mills Golf Community" also being known as Zoning Administration Development Management Project No. II-501.

C. The zoning classifications of the Development Land were changed during the Baltimore County 1988 Comprehensive Zoning Map Process and in connection therewith a Restrictive Covenant Agreement dated October 10, 1988 (the "1988 Covenant Agreement") which binds the Development Land to certain covenants and conditions, was recorded among the Land Records of Baltimore County in Liber 8171, Folio 829, a copy of which is attached hereto as Exhibit A and incorporated herein.

D. The Development Land is comprised of approximately 232 acres and is presently, substantially, zoned Resource Conservation 5, and Density Residential 3.5.

E. In order to accomplish the design objectives proposed by the Developer, the Owings Mills Golf Community has been submitted for approval as a Planned Unit Development (PUD) pursuant to the Baltimore County Zoning Regulations.

F. The Neighbors are comprised of one or more community associations and individual property owners. The Neighbors' properties are in proximity to the Development Land. The Neighbors have expressed concern over certain design, land planning and environmental factors of the PUD which without modification are unacceptable to the Neighbors.

G. The Developer, in recognition of the concerns of the Neighbors is willing to place certain restrictions on the Development Land in return for support by the Neighbors for the Owings Mills Golf Community.

H. It is intended by the parties hereto that the covenants, restrictions and conditions contained in this Agreement and the attachments hereto shall be binding and fully effective on the Development Land upon the conditions hereinafter set forth and the same are intended to be incorporated in any Order of the Baltimore County Hearing Officer approving a Development Plan for the Owings Mills Golf Community (the "Development Plan"), as well as any order of the County Board of Appeals for Baltimore County and/or any reviewing court approving the Development Plan. This Agreement shall survive any closing or settlement. In the event that the Development Plan is approved as proposed and the Hearing Officer fails to incorporate this Agreement therein, the parties hereto intend that this Agreement shall be binding on the improvements constructed in accordance with said approved Development Plan. This Agreement

COPY

shall be recorded by the Developer among the Land Records of Baltimore County prior to commencement of construction of the Owings Mills Golf Community development.

AGREEMENTS

NOW, THEREFORE, in consideration of the mutual agreements and understandings herein contained, and for other good and valuable considerations, the receipt and sufficiency of which are hereby mutually acknowledged, the parties hereto agree as follows:

1. The Owings Mills Golf Community Development Plan (the "Development Plan"), a copy of which is attached hereto and incorporated herein as Exhibit B, delineates a public Right of Way, as an extension of Tavern Keep Road as it presently terminates within the residential community known as Lyons Manor which adjoins the Development Land. The Developer agrees to object to the dedication of the full width of the public Right of Way to Baltimore County and public vehicular access as proposed by certain Baltimore County agencies, provided that Developer shall be permitted to dedicate a portion of said Right of Way, not to exceed Twenty-five (25) feet in width, and a maximum paved area of Fourteen (14) feet in width within the said right-of-way, as the same may be necessary for the provision of public utilities, including without limitation, water, sewerage, electricity, gas, telephone, cable/fiber optic television, etc., to the Development Land. Additionally, Developer agrees to erect suitable barriers across the dedicated portion of said 25 foot wide dedicated Right of Way, at the western terminus and at the eastern terminus (at the western boundary line of the County-owned 50 foot wide strip of land) of said Right of Way. The Neighbors desire the erection of the barriers to prevent the 25 foot wide Right of Way and/or the 14 foot paved section from being used as a means of public ingress/egress.

COPY

2. In accordance with the 1988 Covenant Agreement and the recommendation of the Baltimore County Planning Board to the Hearing Officer for Baltimore County, the Developer agrees to begin construction on the Golf Course portion of the Owings Mills Golf Community at or prior to construction on the residential portion thereof, and agrees to continue in good faith with said golf course construction until the golf course construction is complete.

3. Prior to the issuance of any residential building permit, Developer agrees to submit exterior elevations of the proposed residences, reflecting a maximum of five (5) exterior color variations per housing type or model to the Baltimore County Department of Planning and Zoning and to the Board of Lyons Manor Community Association for review and approval to ensure architectural compatibility and continuity with the homes in the Lyons Manor Community. The review and approval by the Lyons Manor Community Association shall not be unreasonably withheld; any approval or disapproval action of the Lyons Manor Community Association of any submitted exterior color variations (the "Association Action") shall be given in writing to the Developer, its successors and assigns within Ten (10) calendar days of delivery of any such color scheme by Developer to the Lyons Manor Community Association. If the Association Action is not delivered to Developer within the time period set forth herein, the exterior color variation scheme submitted shall be deemed approved by the Lyons Manor Community Association. The Developer agrees that the exterior color scheme will include only tasteful, neutral, pastel and/or muted earth tone colors, not incompatible with the color scheme existing in the Lyons Manor community.

4. The Developer, the Developer's representatives, representatives of Baltimore County, Maryland and representatives of the Lyons Manor Community Association, Inc., have

COPY

met on the Development Land to determine the appropriate landscaping techniques to ensure appropriate screening for all existing lots in the Lyons Manor Community which border the Development Land and which lie between Cheltenham Court on the north and Lyons Mill Road on the south. The Development Plan has been prepared showing the landscaping techniques and landscaping features for the Lyons Manor lots existing between Cheltenham Court and Lyons Mill Road as agreed to by the Developer, its representatives, representatives of Baltimore County and representatives of the Lyons Manor Community Association, Inc.; additionally, a tabular listing by lot number has been prepared showing the landscaping techniques and landscaping features for the Lyons Manor lots existing between Cheltenham Court and Lyons Mill Road as agreed to by the Developer, its representatives, representatives of Baltimore County and representatives of the Lyons Manor Community Association, Inc., which tabular listing has been initialed by all parties and is attached hereto and incorporated herein as Exhibit C. The landscaping and landscaping techniques included on Exhibit C shall be completed prior to or contemporaneously with the sale and settlement of the lots located on the Development Land existing between the ~~public Right of Way Extension of Tavern Keep Road~~ *Cheltenham Court* on the north and Lyons Mill Road on the south.

5. The property owned by certain of the Neighbors is currently improved with private, on-site water wells. The Developer has prepared a Well Agreement, a copy of which is attached hereto and incorporated herein as Exhibit D. In addition to the requirements of said Well Agreement, the Developer agrees to be bound and to comply with any and all conditions imposed by the State of Maryland or other governmental entity having jurisdiction over the withdrawal and use of underground water in connection with the irrigation of the proposed golf course on

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the Development Land. Said compliance will include, without limitation, all conditions imposed and other directions from any agency having jurisdiction thereover, especially in the case of severe drought. Additionally, in periods of severe drought, the Developer agrees to seek approval from the governmental authorities having jurisdiction thereover for the use of public water to irrigate the proposed golf course.

6. The parties hereto intend that this Agreement shall be submitted to the Baltimore County Hearing Officer for incorporation into any Order granting approval of the Owings Mills Golf Community, as well as any order of the County Board of Appeals for Baltimore County and/or any reviewing court approving the Development Plan. In the event that the Development Plan is approved as proposed and the Hearing Officer fails to incorporate this Agreement therein, the parties hereto intend that this Agreement shall be binding on the improvements constructed in accordance with said approved Development Plan.

7. In consideration of the imposition of the restrictions upon the Development Land set forth herein, and on the Exhibits attached hereto, the Neighbors agree and covenant that they will cooperate with the Developer in connection with any hearings held with respect to Development Plan approval as necessary for the Owings Mills Golf Community in support thereof, provided that the same do not conflict with the provisions of this Agreement. The Neighbors agree to authorize legal counsel to appear in their support at any hearings held with respect to Development Plan approval as necessary for the Owings Mills Golf Community provided that the Developer requests and assumes the cost of any such appearance by legal counsel for the Neighbors.

8. If the Development Plan is approved as proposed and in accordance with this

COPY⁶

Agreement, the parties hereto waive irrevocably the right to appeal any and all development approvals necessary for the Owings Mills Golf Community Development. If the Development Plan is approved as proposed and in accordance with this Agreement, and an appeal is taken by other than a party hereto and on appeal the Development Plan approval is reversed, this Agreement shall automatically terminate and be null and void and of no further force and effect. If the Development Plan is approved as proposed and in accordance with this Agreement, and an appeal is taken by other than a party hereto and on appeal the Development Plan approval is modified in a material manner the terms of this Agreement (other than the agreement of the parties with respect to: i) Tavern Keep Road identified in enumerated paragraph 1 hereof; and ii) the location and single family dwelling type shown on the eastern and southern perimeter of the Development Plan), that conflict with the Development Plan as modified and approved shall be terminated automatically and of no further force and/or effect.

9. It is understood and agreed by the parties hereto that this Agreement is binding only as to the Owings Mills Golf Community as depicted on Exhibit B. If the Developer, because of opposition, appeal, strike or otherwise is forced to abandon the proposed scheme of Development shown on Exhibit B, including without limitation a greater than Ten percent (10.0%) reduction in the number of dwelling units or the elimination of the golf course, this Agreement shall be null and void and of no further effect.

10. In the event that any community association which is a party hereto shall dissolve or otherwise cease to exist as a non-stock, non-profit corporation organized for the benefit and welfare of a community, for a period of ninety (90) days or longer and no successor or assign is duly appointed, organized or designated by such association for the purpose above stated then

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this Agreement shall thereafter be enforceable only by the then remaining parties.

11. Prior to any party hereto seeking judicial enforcement or enforcement by any governmental agency having jurisdiction hereover, the Developer or the Neighbors, as the case may be, shall give the other written notice of the alleged grievance as provided herein. Within fourteen (14) days thereafter, representatives of the Developer and representatives of the Neighbors shall meet to attempt to resolve amicably the alleged non-compliance or grievance. Failure to comply with the dispute resolutions of this enumerated paragraph shall nullify the complaining party's ability to enforce the alleged grievance.

12. The parties hereto agree that reasonable adjustments in the location of buildings, parking and other features of the Owings Mills Golf Community shall be permitted provided that the same meets with approvals obtained from the governmental agency having jurisdiction thereover. However, notwithstanding the provisions of this enumerated paragraph there shall not be permitted any increase in the number of dwelling units beyond that shown on Exhibit B. Moreover, notwithstanding any provision hereof to the contrary, there shall only be permitted along the eastern and southern (Lyons Mill Road) boundaries of the Development Land single family detached dwelling units absent the prior written approval of the Lyons Manor Community Association, Inc., and any one of Neighbors whose land adjoins the Development Land along the eastern and southern (Lyons Mill Road) boundary lines.

13. The covenants, restrictions and conditions stated herein shall commence from the date of the final, non-appealable approval of the Development Plan for the Owings Mills Golf Community and shall continue for twenty-five (25) years from said date.

14. The parties hereto each warrant and represent that they have the power and

COPY

requisite legal authority to bind themselves, their organization if acting in a representative capacity and their successors and assigns to the covenants and agreements herein contained, and if a corporation, limited liability company, partnership or similar entity, each further warrants and represents that it is duly organized and is in existence in accordance with Maryland law and that it has taken all necessary action required to be taken by its charter, by-laws, or other organizational documents to authorize the execution of this Agreement.

15. This Agreement may be amended by a written instrument executed by the Developer and the Neighbors.

16. Each of the parties hereto warrant that it or they have carefully read and understand this Agreement, are cognizant of the terms hereof, and have had ample time to consult with legal counsel of their respective choice regarding their respective rights and obligations in connection herewith.

17. Failure, in any instance, to enforce any of the covenants, restrictions and conditions contained in this Agreement shall in no event constitute a waiver or estoppel of the right to enforce the same or any other covenant, restriction or condition in the event of another violation occurring prior or subsequent thereto. In the event any one or more of the covenants, restrictions and conditions herein contained should for any reason be declared invalid, the remaining covenants, restrictions or conditions shall continue in full force and effect. This Agreement, which may be executed in counterparts, contains the entire understanding of the parties hereto. This Agreement shall be binding on and shall inure to the benefit of the parties hereto and their respective successors and assigns.

18. If, after the dispute resolution provisions contained herein have been complied with

COPY

any party to this Agreement or any party's successor or assign that is required to institute legal action to enforce the terms of this Agreement and is successful in obtaining judgment in favor of its action filed in enforcement of the Agreement, that party shall be entitled to recover reasonable attorney's fees and court costs of the action from the person or entity against whom enforcement is obtained. The provisions of this enumerated paragraph shall not be applicable unless and until the dispute resolution provisions set forth herein have been followed strictly.

19. Notice is required to be given pursuant to this Agreement in writing, and shall be deemed given upon actual receipt and shall be sent to all other parties by certified or registered mail, prepaid, or by federal express or other commercial overnight courier service to the last known address of the receiving party. Any party hereto may from time to time change his address by serving on all other parties notice of address change as provided herein.

20. This Agreement may be executed in counterparts, each of which shall be deemed an original for all purposes, all of which shall together constitute a single and the same Agreement; each counterpart may be signed and transmitted initially by telefacsimile and the facsimile shall be considered as containing original signatures, provided that said counterpart is provided subsequently to each other party in its original form.

21. Any notices required or permitted to be given by either party to the other shall have been deemed to have been served when hand delivered or, if the United States Mail is used, on the third business day after the notice is deposited in the United States Mail, postage prepaid, registered or certified mail, and addressed to the parties as follows:

To the Developer: Triangle Deer Park Corporation
212 Washington Avenue
Pawson, Maryland 21204

COPY
10

To the Association: _____

Any party hereto may change its address for the service of notice hereunder by delivering written notice of said change to the other parties hereunder, in the manner above specified, ten (10) days prior to the effective date of said change.

22. The parties hereto covenant and agree to execute such instrument or instruments as may be necessary from time to time to carry out the intent of the Agreement or to amend this Agreement as may be required by any governmental agencies having jurisdiction over the Development Land in order to obtain all required approvals required and to otherwise comply with all applicable laws, regulations and codes in keeping with the spirit and intent of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

DEVELOPER:

WITNESS/ATTEST:

TRIANGLE DEER PARK CORPORATION,
a Maryland Corporation

By: _____ (SEAL)
J. Chris Pippen, President

[signatures continued on following pages]

(

NEIGHBORS:

**LYONS MANOR COMMUNITY
ASSOCIATION, INC.**

By: _____ (SEAL)
John E. Bittner, President

By: _____ (SEAL)
Michael A. Schrader, Vice-President

Address: _____

By: _____ (SEAL)
Amy Fagan, Treasurer

Address: _____

By: _____ (SEAL)
Sharon Wise, Secretary

Address: _____

By: _____ (SEAL)
Larry Phair, Director-At-Large

Address: _____

STATE OF MARYLAND, _____ COUNTY, TO WIT:

I HEREBY CERTIFY that on this _____ day of September, 1995, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared J. Chris Phippen who acknowledged himself to be the President of the Triangle Deer Park Corporation, a Maryland corporation, and that he, as such officer, being authorized so to do, executed the within Development/Covenant Agreement on behalf of said corporation for the purposes herein contained by signing the name of the corporation by himself as such officer.

AS WITNESS my Hand and Notarial Seal.

Notary Public

COPY

My Commission Expires:

STATE OF MARYLAND, _____ COUNTY, TO WIT:

I HEREBY CERTIFY that on this _____ day of September, 1995, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared John E. Bittner, who acknowledged himself to be the President of the Lyons Manor Community Association, Inc., a Maryland corporation, and that he, as such officer, being authorized so to do, executed the within Development/Covenant Agreement on behalf of said corporation for the purposes herein contained by signing the name of the corporation by himself as such officer.

AS WITNESS my Hand and Notarial Seal.

Notary Public

COPY

My Commission Expires:

STATE OF MARYLAND, _____ COUNTY, TO WIT:

I HEREBY CERTIFY that on this _____ day of September, 1995, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Michael A. Schrader, who acknowledged himself to be the Vice-President of the Lyons Manor Community Association, Inc., a Maryland corporation, and that he, as such officer, being authorized so to do,

executed the within Development/Covenant Agreement on behalf of said corporation for the purposes herein contained by signing the name of the corporation by himself as such officer.

AS WITNESS my Hand and Notarial Seal.

Notary Public

COPY

My Commission Expires:

STATE OF MARYLAND, _____ COUNTY, TO WIT:

I HEREBY CERTIFY that on this _____ day of September, 1995, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Amy Fagan, who acknowledged herself to be the Treasurer of the Lyons Manor Community Association, Inc., a Maryland corporation, and that she, as such officer, being authorized so to do, executed the within Development/Covenant Agreement on behalf of said corporation for the purposes herein contained by signing the name of the corporation by herself as such officer.

AS WITNESS my Hand and Notarial Seal.

Notary Public

COPY

My Commission Expires:

STATE OF MARYLAND, _____ COUNTY, TO WIT:

I HEREBY CERTIFY that on this _____ day of September, 1995, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Sharon Wise, who acknowledged herself to be the Secretary of the Lyons Manor Community Association, Inc., a Maryland corporation, and that she, as such officer, being authorized so to do, executed the within Development/Covenant Agreement on behalf of said corporation for the purposes herein

contained by signing the name of the corporation by herself as such officer.

AS WITNESS my Hand and Notarial Seal.

Notary Public

My Commission Expires:

STATE OF MARYLAND, _____ COUNTY, TO WIT:

I HEREBY CERTIFY that on this _____ day of September, 1995, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Larry Phair, who acknowledged himself to be a Director-At-Large of the Lyons Manor Community Association, Inc., a Maryland corporation, and that he, as such Director, being authorized so to do, executed the within Development/Covenant Agreement on behalf of said corporation for the purposes herein contained by signing the name of the corporation by himself as such Director.

AS WITNESS my Hand and Notarial Seal.

Notary Public

My Commission Expires:

EXHIBIT C

TABULAR LISTING OF LANDSCAPING TREATMENT

PORTION OF EASTERN PROPERTY LINE

In accordance with enumerated paragraph 4 of the Agreement to which this Exhibit C is attached and made a part of, a meeting was held on July 22, 1995 on the Development Land to determine the appropriate landscaping techniques to ensure appropriate screening for existing lots in the Lyons Manor Community which border the Development Land and which lie between Cheltenham Court on the north and Lyons Mill Road on the south. The following listing represents the individual homeowner responses communicated to the Developer and its representatives at that meeting regarding said landscape techniques.

PLANT MATERIALS SELECTED:

Eastern Redbud¹
Native Dogwood¹
Deodar Cedar¹
Purple Smoke Tree
Norway Spruce
Rose of Sharon
Native Holly
Maple¹
Purple Leaf Plum
Crimson King Maple
Oak
Poplar¹

LOT BY LOT TREATMENT:

The listing below reflects the landscape treatment within the 25 foot buffer strip located on the Development Land adjacent to the referenced lots in accordance with the preferences expressed and/or otherwise reported from the owners of the lots listed:

Lot Nos. 4 & 5 (Brandywine Court): Maintain existing vegetation to the extent possible or replace with Norway Spruce, Poplar and Oak.

¹ Specifically requested by the current owner of Lot No. 73 within the Lyons Manor Community.

Lot No. 66 (Ambling Way Court): Maintain existing vegetation to the extent possible and supplement with Eastern Redbud, Native Dogwood, Native Holly and Oak as needed to fill in gaps.

Lot No. 67 (Ambling Way Court): Provide berming within the 25 foot buffer area and re-landscape with decorative plantings of Eastern Redbud, Crimson King Maple, Oak, Poplar, Purple Smoke Tree, Rose of Sharon and Native Dogwood.

Lot No. 73 (Marriottsville Road): Maintain existing vegetation to the extent possible and supplement with Eastern Redbud, Native Holly, Crimson King Holly and Purple Leaf Plum as needed to fill in gaps.

Lot Nos. 74 & 75 (Marriottsville Road): Provide berming within the 25 foot buffer area and re-landscape with decorative plantings of Eastern Redbud, Purple Leaf Plum, Maple, Rose of Sharon and Deodar Cedar.

Lot No. 76 (S/W corner of Tavern Keep and Marriottsville Roads): Maintain existing vegetation to the extent possible and replace any removed with Norway Spruce, Poplar, Oak or Rose of Sharon.

Remaining Lots North of Tavern Keep Road:

- a. Cooperate with Baltimore County to maintain existing vegetation to the extent possible within the limits of the County-owned property; and
- b. Where possible, supplement with Purple Smoke Tree, Deodar Cedar, Oak, Rose of Sharon, Native Holly, Crimson King Maple and a few (3) Norway Spruce any gaps in vegetative screening along the rear lot lines of Lot Nos. 63 through and including 68 of the Owings Mills Golf Community.

EXHIBIT D

WELL AGREEMENT

Triangle-Deer Park Corporation hereby agrees, in connection with its development of the Owings Mills Golf Community, to drill a new well for any adjacent landowner who experiences well problems which are directly attributed to the domestic wells for the Owings Mills Golf Community and who has complied with the requirements of this Well Agreement. To qualify for the benefits afforded under this Agreement, the adjacent landowner must submit to the Triangle-Deer Park Corporation not later than sixty (60) days after commencement of construction of the Golf Course within the Owings Mills Golf Course Community certified well tests for potability (potability samples to be taken from within the residential improvements located on the adjacent land) and yield which evidence that the water well which is the subject of this Agreement meets or exceeds current State minimum requirements.

Subsequent to initiation of ground water withdrawal for irrigation of the Golf Course within the Owings Mills Golf Community, and for a period of five (5) years from the date of said initiation, the Triangle Deer Park Corporation will provide a new private water well meeting State standards for any enrolled adjacent landowner whose well falls below the aforesaid State standards upon verification by the Maryland Department of Natural Resources that the Owings Mills Golf Community wells were the primary cause of the failure of said State standards. The extent of this Agreement will be limited to a maximum expenditure on the part of the Triangle-Deer Park Corporation of Five Thousand Dollars (\$5,000.00) per enrolled adjacent landowner. The adjacent landowner named below shall submit a certified original of a report from a licensed well testing company that the existing water well on said adjacent land meets, at present, all current State minimum requirements. All adjacent landowners desiring to be afforded the benefits provided by this Agreement shall execute in the space below provided and submit an original of this Agreement with the aforescribed verification.

This Well Agreement shall be binding on the successors and assigns of the Triangle-Deer Park Corporation.

DATE

NAME

ADDRESS

IN RE: DEVELOPMENT PLAN HEARING APPROVAL OF PUD AND PETITIONS FOR VARIANCE, SPECIAL HEARING AND SPECIAL EXCEPTION - N/S Lyons Mill Road, W&E Of Deer Park Road

2nd Election District
3rd Councilman District

Margaret V. Miller, et al., Owners

Triangle Deer Park Corporation, Developer/
Contract Purchaser

BEFORE THE
HEARING OFFICER/
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

Case No. H-501 and
96-53-SPHXA

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN
ORDER, FINDING OF FACTS AND CONCLUSIONS OF LAW

This matter comes before the Hearing Officer/Zoning Commissioner for consideration of a Development Plan, configured as a Planned Unit Development ("PUD"), and Petitions for Variance, Special Hearing, and Special Exception for the proposed development of the subject property by Margaret V. Miller, et al., ("Owners") and the Triangle Deer Park Corporation, as the contract purchaser (the "Developer") (the Owners and the Developer are referred to herein collectively as the "Petitioners"). The proposed development, known as "Owings Mills Golf Community" is located on the north side of Lyons Mill Road on both the east and west sides of existing Deer Park Road in the northwest area of Baltimore County (the "subject property"). The Development Plan was prepared by D.S. Thaler & Associates, Inc., engineers, surveyors, landscape architects and land planners. In addition to the zoning, PUD and Development Plan approval

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described above, the Petitioners are also seeking waivers for certain requirements of the Department of Public Works in accordance with §26-172(a) of the Baltimore County Code (the "County Code").

The Development Plan proposes a total of 383 dwellings, a community building, two tennis courts, a swimming pool, and an eighteen hole golf course and an associated clubhouse, together with permitted accessory uses. The Petitioners have filed a Special Hearing seeking approval of the utilization of the available density on the subject property as shown in accordance with the PUD. The variances requested relate to setbacks between side building faces, front yard setbacks with respect to certain structures and for identification and directional signage for the proposed development. The Petitioners seek approval of the Development Plan and the proposed PUD pursuant to §26-206 of the County Code, as well as the zoning relief identified previously. Appearing at the public hearing required for this project were Henry LeBrun and J. Chris Phippen on behalf of the Developer, David S. Thaler and Alan Scoll with D.S. Thaler & Associates, Monica Maloney and Thomas Morris with Exploration Research, Inc., and Mr. Michael Haufler with R.E. Wright & Associates. The Developer was represented by Howard L. Alderman, Jr., Esquire. Numerous representatives of the various Baltimore County agencies who reviewed the Development Plan and plat for zoning relief attended the hearing. In addition, numerous residents of the surrounding communities (the "Neighbors" or "members of the Community") appeared and signed in as citizens, with one member

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identifying herself as a Protestant in this matter (the community's position in this matter is discussed later in this Order). These residents were represented by J. Carroll Holzer, Esquire.

As to the history of this project, a Concept Plan Conference for development of the subject property was conducted on November 14, 1994.

As required, a Community Input Meeting ("CIM") was held at the Deer Park Middle School on December 14, 1994. A second Community Input Meeting was held at the Deer Park Middle School on January 4, 1995. Subsequently, the Concept Plan, which includes the Planned Unit Development proposed, was referred to the Baltimore County Planning Board as required by County Code 26-207(a)(5). Between the time of the second CIM and the first Planning Board meeting, the Developer prepared proposed revisions to the Concept Plan based on the comments and issues identified by members of the Community at both CIM's. Following two meetings before the Baltimore County Planning Board, that Board on April 27, 1995, voted to approve the PUD Concept Plan (also identified in the record of this matter as an "authorization plan"), as revised, subject to certain conditions.

Following the decision of the Planning Board, a development plan was submitted and a conference thereon was conducted on August 30, 1995. Following the submission of that plan, development plan comments were submitted by the reviewing agencies of Baltimore County and the State of Maryland, and a revised development plan incorporating those comments and bearing a revision date of September 6, 1995 was submitted at the hearing

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held before me on September 21, 1995. The Development Plan, consisting of three sheets, the last of which contained certain cross-sections and elevations as requested by the Office of Planning and Zoning was accepted into evidence at the hearing as Developer's Exhibit Number 1 A, B & C. Testimony and evidence presented was that the subject property is approximately 275 acres in size, 110 ± acres of which are zoned DR3.5, 125 ± acres of which are zoned RC-5 and approximately 40 acres of which are zoned RC-4. The property is bordered on the south by Lyons Mill Road, on the east by the existing Lyons Manor Community on the northeast side by Dolfield Road, and on the northwest by Shipes Lane and other properties not part of this proposed development. The Lyons Manor Community is a recent development and will contain approximately 276 single-homes when completed. The subject property is irregular in shape and widely varying topography. Additionally, a portion of the site, along the eastern boundary, has been acquired in fee simple by Baltimore County for the erection of a regional water reservoir to provide sufficient water and water pressure to existing and proposed communities. On the south side of Lyons Mill Road are a variety of single family homes that have been developed over the years. The Developer has proposed two primary points of ingress and egress to the subject property, one from Dolfield Road on the north and the second from Deer Park Road on the southwest.

The review and approval of development projects is regulated by Title 26 of the County Code. Specifically, §26-206 of the County Code mandates that the Zoning

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Commissioner (designated as the Hearing Officer by County Code §26-168) hold a public hearing to take "final action" on a development plan. Moreover, the consideration and review of the zoning relief sought has been combined with the Development Plan Hearing in accordance with County Code §26-206.1. In addition to the other authority granted unto the Hearing Officer, because this Development Plan involves a PUD, the Hearing Officer is authorized to approve the Plan as submitted by the Planning Board, approve the Plan with additional modifications or conditions deemed necessary to meet the standards of County Code §26-206 or deny the Plan. As a preliminary issue, the Hearing Officer must determine whether there are any outstanding issues, comments or conditions proposed by any party and which relate to the development plan. These issues can be raised by the Developer, representatives of the reviewing agencies of Baltimore County and other affected jurisdictions, or the members of the Community. At the hearing on this case, counsel for the Developer indicated that, to the best of his knowledge, there was only one outstanding issue with respect to the County-required reservation/dedication of

a fifty foot wide right-of-way extending from the existing terminus of Tavern Keep Road in a westerly direction. Mr. Robert Bowling, on behalf of Baltimore County, indicated that there remained one additional issue pertaining to the provision of storm water management on the subject property for the public water tower to be constructed on the adjoining County-owned property. The Developer, through its representatives, indicated that the storm water management associated with the public water tower would be

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accommodated on the subject property, thereby resolving that issue.

Counsel for both the Developer and the members of the Community proffered at the beginning of the hearing the history of this project and how the Developer and the members of the Community had been attempting to resolve amicably the concerns of the Neighbors. The record in this case indicates that the concerns of the members of the Community as a whole were presented to the Baltimore County Planning Board its meetings held on this matter.

It is clear that one of the primary concerns of the members of the Community was the County required extension of Tavern Keep Road in a westerly direction, thereby linking, via public road, the proposed development and the existing Lyons Manor Community. In response to issues raised on April 6, 1995 before an ad-hoc committee of the Planning Board, five conditions were proposed by the Planning Board to be applied any approval of the Owings Mills Golf Community. At the regular Planning Board meeting on April 27, 1995, in accordance with County Code §26-202(m), the Planning Board voted to amend the report of the Director of the Office of Planning and Zoning ("OPZ"), to approve the report as amended, and to approve the Concept Plan for the Owings Mills Golf Community subject to the five conditions in the amended report which are characterized generally as: 1) Tavern Keep Road connection; 2) berming/landscaping buffer; 3) golf course construction; 4) well conditions; and 5) compatibility. The amended report as approved by the Planning Board has been incorporated as part of the

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Development Plan file in this case.

As stated earlier, one of the primary concerns of the members of the Community was the County-required extension of Tavern Keep Road to connect the proposed development with the existing Lyons Manor Community. As a proposed compromise, the Planning Board's conditioned approval recommended to me would require that the construction of this road connection need not be made at the time the development proposed was constructed, but that the full right-of-way should be dedicated as shown on the Development Plan, and should only be actually constructed with the consent of the Developer, the Lyons Manor Community and the County. Additionally, the Developer was required to construct a paved, pedestrian hike and bike pathway over the right-of-way. This condition, as well as several others, was not completely acceptable to either the members of the Community or the Developer. Testimony presented at the hearing indicated that the Developer and its representatives and the Neighbors worked cooperatively toward an acceptable set of conditions (on the same issues identified by the Planning Board) between the date of the Planning Board approval meeting and the hearing held before me on the Development Plan.

Ms. Sharon Wise appeared and testified at the hearing in her individual capacity as well as a representative of the Lyons Manor Community Association, Inc. Ms. Wise indicated that the Concept Plan discussed at the two Community Input meetings had been totally unacceptable to the residents of the Lyons Manor Community for a number of

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reasons, including that it proposed townhouse dwellings adjacent to the existing single-family homes constructed in Lyons Manor. Ms. Wise also identified the wide-spread opposition within the entire surrounding community for the County-proposed interconnection identified as Tavern Keep Road. Other issues of concern identified by Ms. Wise included neighboring property owners' concerns relative to their private water supplies being impaired, the compatibility of the proposed homes with those existing in the Community, and needed, appropriate additional landscaping. Mr. Rufus Womack, who resides at 4437 Marriottsville Road which is located immediately west of the intersection formed by existing Tavern Keep Road and Marriottsville Road, appeared and testified that he had great opposition to any interconnection between the proposed development and the existing Lyons Mill Manor community. Mr. Womack testified that he was informed by County representatives that the asserted need for this interconnection was to provide a convenient means of access for members of the "overall" community to and from various retail shopping destinations. The existing traffic pattern in the Lyons Manor Community, as well as the traffic pattern proposed in the Owings Mills Golf Community without the Tavern Keep Road extension, was deemed by Mr. Womack to be more than adequate to meet the travel requirements of members of the Community travelling to and from shopping. Mr. Womack summarized his position in the words of his uncle "if it ain't broke, don't fix it." Finally, Ms. Gloria Crowder, who resides at Nine Ambling Way, appeared and testified that she had been living in her home for just a few

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conventional application of the County's development and zoning regulations. The testimony of Mr. Thaler showed that the PUD preserves the natural features of the site, groundwater and other natural features, scenic views, and recreational areas and provides within its boundaries a creative use of streets, traffic circles, and paths to create an integration of the uses proposed. Based upon the PUD development plan presented, the Private Agreement and the testimony of Mr. Thaler, I find that the development as proposed will: i) retain and/or conserve natural elements and drainage systems by means of the clustering of the residential development and the vast, natural areas of the site left open and/or undisturbed; ii) through the use of open space and pathways shown on the Development Plan, provide a suitable connection to adjoining developments; iii) provide an organized linkage of public and private community and recreational facilities within walking distance of the residences proposed, including active and passive recreational areas; iv) through the use of a limited number of points of ingress and egress, traffic circles and inter-connected loop roads provide a compatible environment for bicycle, pedestrian and motor vehicle traffic; v) locate residential structures in a manner consistent with the pattern established in the existing Community and site the appropriately scaled and massed community, recreational and residential structures (as more specifically identified in cross-sections A-A, B-B and C-C on Developer's Exhibit No. 1C) in relation

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to the existing topography and existing natural features¹, while shaping the non-grid like street pattern into a design which is more sensitive to the natural features of the site and the general area; vi) exceed the landscaping and useable open space requirements of the Baltimore County Zoning Regulations ("BCZR"), including the use of street tree plantings and landscaping at the entrances to the proposed development, as well as that used to distinguish public and private areas (herms as well as vegetation); vii) through the use and design of extensive buffering as approved by the Department of Environmental Protection and Resource Management, preserve existing streams, wetlands, steep slopes and areas of mature vegetation and floodplain; viii) effectuate a uniformity of design of streets and informational and directional signage² as shown on Developer's Exhibit No. 1; ix) locate the parking areas for both the community and residential uses in small lots which do not front primarily on the residential streets³; and x) mitigate on- and off-site impacts that may otherwise result from the proposed development, especially through the establishment of the public golf course proposed. As noted in the Development Plan application, the

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- ¹ The residential portion of the proposed development is clustered on the eastern side of the subject property and has been incorporated into the Metropolitan District so that it will be served by public water and sewerage facilities. The topography of the subject property slopes away from the County-proposed water tower and the development as proposed follows the natural terrain.
- ² The signage proposed presents a uniform architectural scheme and the illumination of the signs is designed to reflect the reduced scale and near rural location of the subject property.
- ³ The creative use of single-loaded parking bays, parallel parking on minor roadways and the non-linear parking pods minimize any impact of the parking requirements of the proposed development.

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Petitions for Zoning relief filed and the testimony of Mr. LeBrun, the subject property is under the control of the Developer for purposes of making all such applications.

The testimony of Mr. Thaler regarding the compliance of the proposed development with the intent, goals, recommendations and objectives of the *Baltimore County Master Plan 1989-2000* ("Master Plan") and the *Comprehensive Manual of Development Policies* ("CMDP") was conclusive. The Land Use portion of the County's Master Plan, included as Exhibit "B" to the *Owings Mills Golf Community Planned Unit Development Compatibility Report*, dated January 20, 1995, submitted by the Developer and included in the Development Plan file, shows clearly that the organization of the development features as proposed is in compliance with the pattern of development envisioned when the Master Plan was adopted. Mr. Thaler described the necessity of the granting of the variances and waivers and the special exception uses in order to meet the objectives and stated intent of the regulatory framework applicable to the PUD development under consideration. The zoning relief and waivers requested will permit the development proposed on the Development Plan as compared to that which was presented initially on the Concept Plan (a reduced version of the Concept Plan is included as Exhibit "A" to the *Owings Mills Golf Community Planned Unit Development Compatibility Report*). Finally, Mr. Thaler testified affirmatively that the development proposed does not violate the provisions of any deed or covenant applicable to the subject property.

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In support of the proposed PUD, the Special Hearing and the Special Exception relief requested, it is incumbent on the Developer to prove compliance with BCZR §502.1. In support of the Special Hearing relief requested, Mr. Thaler noted that the transfer or full utilization of density is permitted within an approved PUD in accordance with BCZR §430.9.B. and is further warranted to meet the stated objectives of a PUD development. With respect to the proposed community building, tennis courts, swimming pool, golf course and club house and all associated accessory uses and the PUD in its entirety, Mr. Thaler testified affirmatively and without contradiction that those uses as shown on Developer's Exhibit No. 1 constitute a better design, use and layout of the subject property than otherwise permitted by the BCZR and the County's Development Regulations and that the proposed development was designed to meet the intent of flexible and creative design embodied in the CMDP, the Master Plan and the regulations regarding the PUD.

Specifically with respect to the utilization of density, the PUD development and the Special Exception uses proposed, Mr. Thaler, based upon his knowledge of the subject property, the Development Plan, the BCZR and the development regulations of the County, opined that the proposed uses will be conducted without real detriment to the neighborhood and without affecting adversely the public interest. The facts and circumstances and the overwhelming evidence in this case show that the proposed uses at this particular location would not have any adverse impact above and beyond those

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inherently associated with such special exception uses, irrespective of their location within a similar zoning classification. *Schultz v. Potts*, 291 Md. 1 (1981).

As testified to by Mr. Thaler, the proposed uses will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys, nor be inconsistent with the purposes of the subject property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the BCZR. The uses proposed by the PUD and the Special Exception are the compatible and flexible types of uses contemplated by the County Council in enacting the PUD and will, therefore, not create a potential hazard from fire, panic or other danger or tend to overcrowd land or cause an undue concentration of population, nor interfere with adequate light and air, or be inconsistent with the impermeable surface and vegetation retention requirements of the BCZR. The uses proposed will not interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements, as noted above, a primary public recreational amenity will be created in the golf course and the County has acquired previously a portion of the subject property for construction of the regional water reservoir. Therefore, after consideration of all of the testimony and evidence offered and the facts and circumstances contained in the record before me, it appears that the PUD development/authorization plan, the Special Hearing relief and the Special Exception uses requested should be granted as requested. Clearly the Petitioners have met their burden with respect to County

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Code §26-206(r)(2) and BCZR §502.1.

The Petitioners seek relief, by way of variance from the BCZR as follows: from BCZR §1B01.2.C.1.c and the CMDP to permit a side building face to side building face distance of 20 feet in lieu of the 25 feet required for Lots No. 114 through and including 253; from BCZR §1B01.2.C.1.b and the CMDP to permit a side building face to side building face distance of 16 feet in lieu of the 20 feet required for Lots No. 1 through and including 112; from BCZR §1B01.2.C.1.a and the CMDP to permit a front yard setback of 3 feet in lieu of the 50 feet required for the golf course clubhouse and the community building; from BCZR §413.1.E.1 to permit signage containing a total of 1220 ± square feet of spot light illuminated identification and directional signage in lieu of the 15 square feet allowed; and from BCZR §102.5 the permit the proposed signs to be 8 feet high in lieu of the 3 feet allowed, all as more specifically shown and identified on Developer's Exhibit No. 1.

Generally, evaluation of any variance relief requested is governed exclusively by BCZR §307.1. However, in review and modification of a PUD development plan, County Code §26-206(s) provides that the Hearing Officer may "grant waivers or variances, special exceptions or special hearings as deemed necessary for the plan to meet the intent, purposes and standards" of County Code §26-206. In that regard, Mr. Thaler testified without contradiction that the setback variances requested are necessitated by the configuration and topography of the subject property and will permit a better quality plan

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which meets the flexible and creative intent underlying the objectives of the PUD provisions. Mr. Thaler also noted the irregular shape of the subject property, the naturally undulating topography existing on the site and the prior acquisition of a portion of the subject property for the proposed regional water tower, all of which restrict severely the portions of the subject property available for development. The signs proposed are for directional and informational purposes, with each actual "sign" comprising only a small portion of the overall structure on which each is to be erected. Mr. Thaler testified that because the current BCZR require computation of the structure which holds the sign as well as the sign itself, a variance is necessary to ensure that information and direction can be given adequately within a project of this size which has a minimal number of points of ingress and egress. In Mr. Thaler's expert opinion, the variances, if granted, would not result in any increase in residential density, beyond that otherwise allowable by the BCZR and that strict compliance with the BCZR in this case would unreasonably prevent the use of the subject property for the PUD use approved by the Planning Board and the members of the Community. Further testimony from Mr. Thaler revealed that the variance relief requested is the minimum relief necessary and that the relief, if granted, would do substantial justice to the Developer as well as other property owners in the district. Finally, Mr. Thaler testified that strict conformity with the BCZR would work practical difficulty on the Petitioners and that the requested relief can be granted so that the spirit and intent of the BCZR will be observed, and public health, safety and welfare secured.

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The BCZR, specifically Section 307.1, establish a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of *Cromwell v. Wand*, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the Petitioners to establish the following:

First, the Petitioners must prove, and this Zoning Commissioner must find, that the "uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property." I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon these particular uses.

Having satisfied this "first step" the Petitioners must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardships guidelines that have been imposed by the BCZR have been thoroughly examined and discussed by the appellate courts of this State. In *Loyola Federal Saving and Loan Association v. Buschman*, 227 Md. 243, 176 A.2d 355 (1961), the Court Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R. As the Court noted: "Section 307 of the Regulations

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uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." *Loyola Federal*, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in *Anderson v. Board of Appeals, Town of Chesapeake Beach*, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petitioners, as

ORDER RECEIVED FOR FILING
Date _____
By _____

om-golf.002 October 6, 1995

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enunciated in *Anderson*, supra, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson at 39. See also, *McLean v. Soley*, 270 Md. 208 (1973) at 214-215.

It is clear from the uncontradicted testimony and evidence in this case and the evidence presented at the hearing before me that if the variances are granted, the uses proposed will not be detrimental to the public health, safety or general welfare and will, in fact, permit the quality type and pattern of development contemplated by the PUD provisions of the BCZR and the County Code. I further find that the granting of these variances would be in strict harmony with the spirit and intent of the BCZR. Therefore, I find from the testimony and evidence presented at the hearing before me that the Petitioners have in fact proven the practical difficulty standards as set forth above and that the variances requested should be granted.

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The Developer, pursuant to County Code §26-172(a), has requested certain waivers of the standards adopted by the County Department of Public Works. These specific waiver requests are identified on Developer's Exhibit No. 1A & B, consistent with the recommendations of the Director of the Department of Public Works ("DPW") as outlined in his letter, dated August 30, 1995, to D.S. Thaler & Associates, Inc., which letter is included as a part of the record in this case. At the hearing before me, representatives of the Developer indicated that the position taken by the Director of DPW in his August 30th letter were acceptable, most if not all of which were reflected in green line modifications on Developer's Exhibit No. 1 A & B. Considering the size, scope and nature of the proposed development, strict compliance of the standards from which waivers are sought is not necessary. As all other applicable laws, ordinances and regulations have been met, and considering the express authority conferred upon me in the review of a PUD development plan, I find that the waivers as recommended by the Director of DPW are within the scope, purpose and intent of the development and PUD regulations of the County and should, therefore, be granted.

Having addressed all of the issues raised at the hearing and resolving the same pursuant to this Order and the conditions and restrictions contained hereinafter, the development plan and the PUD development/authorization plan for the Owings Mills Golf Community, as amended and depicted on Developer's Exhibit No. 1 A, B & C shall be approved. Pursuant to the zoning, PUD and development plan regulations as contained

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within the BCZR and Subtitle 26 of the County Code, the advertising of the subject property and public hearing held thereon, the Development Plan and PUD development/authorization plan are hereby approved consistent with the comments contained herein and the conditions and restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by this Hearing Officer/Zoning Commissioner for Baltimore County this 6th day of October, 1995 that the Development Plan and the PUD development/authorization plan for the Owings Mills Golf Community, identified herein as Developer's Exhibit No. 1 A, B & C, be and is hereby APPROVED, pursuant to the development regulations codified in Section 26-166 *et seq.* of the County Code; and

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a golf course and associated club house, swimming pool, two (2) tennis courts, a community building, together with permitted accessory uses in accordance with BCZR §§ 1B01.1.C.6, A & ABBE.2.B.8 is hereby GRANTED, and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from BCZR § 1B01.2.C.1.c and the CMDP to permit a side building face to side building face distance of 20 feet in lieu of the 25 feet required for Lots No. 114 through and including 253; from BCZR § 1B01.2.C.1.a and the CMDP to permit a front yard setback of 3 feet

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in lieu of the 50 feet required for the golf course clubhouse and the community building; from BCZR § 1B01.2.C.1.b and the CMDP to permit a side building face to side building face distance of 16 feet in lieu of the 20 feet required for Lots No. 1 through and including 112; from BCZR § 4131.E.1 to permit signage containing a total of 1220 ± square feet of spot light illuminated identification and directional signage in lieu of the 15 square feet allowed; and from BCZR § 102.5 to permit the proposed signs to be 8 feet high in lieu of the 3 feet allowed is hereby GRANTED, and

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve the utilization of density as shown on the PUD development/authorization plan for the Owings Mills Golf Community is hereby GRANTED; and

IT IS FURTHER ORDERED that the waivers from the standards of the Department of Public Works recommended in the letter, dated August 30, 1995 from the Director of that Department and as shown more specifically on Developer's Exhibit No. 1A & B are hereby GRANTED; and

IT IS FURTHER ORDERED that the approvals and relief granted hereby are subject to the applicable conditions and restrictions contained in enumerated paragraphs 1 through and including 5 of the Development/Covenant Agreement introduced as Joint Exhibit No. 1; and

ORDER RECEIVED FOR FILING
Date _____
By _____

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IT IS FURTHER ORDERED that the Developer shall prepare and submit to the Department of Permits and Development Management within ten (10) days of the date of this Order, a revised development plan/PUD development/authorization plan which reflects and incorporates the terms, conditions and restrictions of this Order.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Hearing Officer for Baltimore County

Approved this 6th day of October, 1995 as to form and sufficiency:

Howard L. Alderman, Jr.
Howard L. Alderman, Jr., Counsel
for Developer/Petitioners

Approved this 6th day of October, 1995 as to form and sufficiency:

Carroll Holzer
Carroll Holzer, Counsel for
Neighbors and Members of
the Community

ORDER RECEIVED FOR FILING
Date _____
By _____

om-golf.002 October 6, 1995

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Petition for Special Exception
76-53-SPHX
to the Zoning Commissioner of Baltimore County
for the property located at Lyons Hill & Deer Park Roads
which is presently zoned DR 3.5, RC 463

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property estate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

SEE CONTINUATION SHEET

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Corrected Petitioner: Triangle - Deer Park Corp.
Type or Print Name: _____
Signature: *J. Chris Pappen*
J. Chris Pappen, President
212 Washington Avenue
Towson, Maryland 21204
City: _____ State: _____ Zip: _____
Agency for Petitioner: _____
Signature: *Howard L. Alderman, Jr.*
Howard L. Alderman, Jr., Esquire
305 West Chesapeake Avenue
Suite 115
Towson, Maryland 21206
Attorney's Phone No.: (410) 321-0600

Legal Owner(s): _____
SEE CONTINUATION SHEET
Type or Print Name: _____
Signature: _____
Type or Print Name: _____
Signature: _____
Address: _____ Phone No: _____
City: _____ State: _____ Zip: _____
Name, Address and phone number of legal owner, correct purchaser or representative to be contacted: _____
Howard L. Alderman, Jr., Esquire
LEWIS & GANN, P.A.
305 West Chesapeake Avenue, Suite 115
Towson, Maryland 21206
Tel.: (410) 321-0600

ESTIMATED LENGTH OF HEARING: _____
The following dates are available for hearing: _____
ALL OTHER DATE: _____
REVIEWED BY: _____ DATE: _____

PETITION FOR SPECIAL EXCEPTION 76-53-SPHX
Continuation Sheet A
Signatures of Legal Owners

Signature	Print	Address	Parcel#
<i>Margaret V. Miller</i>	Margaret V. Miller	5823 Melville Rd. Towson, Md. 21204	#530
<i>Margaret V. Miller</i>	" "	Eldersburg, Md.	Personally #530
<i>Gladys C. Allen</i>	Gladys C. Allen	Towson, Md 21204	#528
<i>Shirley Fay Pitt</i>	Shirley Fay Pitt	11324 Ave #23	
<i>George R. Collier</i>	George R. Collier	126 Columbia Ln. Coatsville, Pa. 19320	#58459
<i>William B. Martin</i>	William B. Martin	10418 Liberty Rd. Kensington, Md.	#60
<i>James H. Miller</i>	James H. Miller	4505 Park Heights Avenue, Baltimore, Md.	#521
<i>James H. Miller</i>	James H. Miller	4505 Park Heights Avenue, Baltimore, Md.	#521

The complete addresses of all owners are contained on the following sheet

96-53-SPHX

PROPERTY REFERENCES:

Michael & Florence Kitt
4115
11 Slade Avenue
Baltimore, Maryland 21208

George Collins
10122 Lyons Mill Road
Owings Mills, Maryland 21117

George & Louise Collins
10122 Lyons Mill Road
Owings Mills, Maryland 21117

William & Elizabeth Martin
10418 Liberty Road
Randallstown, Maryland 21133

Leonard & Mildred Miller
4505 Deer Park Road
Owings Mills, Maryland 21117

Leonard & Mildred Miller
4505 Deer Park Road
Owings Mills, Maryland 21117

Leonard & Mildred Miller
4505 Deer Park Road
Owings Mills, Maryland 21117

Gladys Haas
8203
2416 Chetwood Circle
Timonium, Maryland 21093

John Miller Sr. Ac. Trustees
4505 Deer Park Road
Owings Mills, Maryland 21117

Margaret & Majorie Miller
5412 Emerald Drive
Eldersburg, Maryland 21784

DEED: 2210/640
TAX ACCOUNT NUMBER: 02-11-350020
TAX MAP: 66 GRID: 11 PARCEL: 23
ADC MAP: 24A7

DEED: 5116/562
TAX ACCOUNT NUMBER: 16-00-001671
TAX MAP: 66 GRID: 16 PARCEL: 58
ADC MAP: 2328

DEED: 2454/517
TAX ACCOUNT NUMBER: 02-01-470540
TAX MAP: 66 GRID: 16 PARCEL: 59
ADC MAP: 2328

DEED: 1504/418
TAX ACCOUNT NUMBER: 02-13-200970
TAX MAP: 66 GRID: 15 PARCEL: 60
ADC MAP: 2328

DEED: 1891/184
TAX ACCOUNT NUMBER: 02-13-550290
TAX MAP: 66 GRID: 17 PARCEL: 371(a)
ADC MAP: 24A8

DEED: 6789/741
TAX ACCOUNT NUMBER: 19-00-014869
TAX MAP: 66 GRID: 17 PARCEL: 371(b)
ADC MAP: 24A8

DEED: 8795/205
TAX ACCOUNT NUMBER: 02-13-550280
TAX MAP: 66 GRID: 17 PARCEL: 372
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DEED: 5628/256
TAX ACCOUNT NUMBER: 17-00-006494
TAX MAP: 66 GRID: 17 PARCEL: 528
ADC MAP: 24A8

DEED: 9697/767
TAX ACCOUNT NUMBER: 17-00-006493
TAX MAP: 66 GRID: 17 PARCEL: 529
ADC MAP: 24A8

DEED: 8710/771
TAX ACCOUNT NUMBER: 17-00-006495
TAX MAP: 66 GRID: 17 PARCEL: 530
ADC MAP: 24A8

PETITION FOR SPECIAL EXCEPTION

Owings Mills Golf Community

Continuation Sheet

SPECIAL EXCEPTION

for a golf course and associated club house, swimming pool, two (2) tennis courts, a community building, together with permitted accessory uses in accordance with BCZR §§ 1B01.1.C.6, 406A & 1A04.2.B.8



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Lyons Mill & Deer Park Roads

which is presently zoned DR3.5, RC455

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 502.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE CONTINUATION SHEET

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Corrected Petition: XXXX

Triangle-Deer Park Corp.

(Type or Print Name)

By: J. Chris Phipps, President

212 Washington Avenue

Towson, Maryland 21204

City State Zip

City State Zip

City State Zip

City State Zip

City State Zip

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96-53-SPHXA

PROPERTY REFERENCES:

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Owings Mills, Maryland 21117

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TAX ACCOUNT NUMBER: 17-00-006495
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ADC MAP: 24A8

PETITION FOR VARIANCE

Owings Mills Golf Community 96-53-SPHXA

Continuation Sheet

VARIANCE - RELIEF REQUESTED:

from BCZR § 1B01.2.C.1.c and the CMDP to permit a side building face to side building face distance of 20 feet in lieu of the 25 feet required for Lots No. 114 to and including 253; and

from BCZR § 1B01.2.C.1.a and the CMDP to permit a front yard setback of 3 feet in lieu of the 50 feet required for the golf course clubhouse and the community building; and

from BCZR § 1B01.2.C.1.b and the CMDP to permit a side building face to side building face distance of 16 feet in lieu of the 20 feet required for Lots No. 1 to and including 112; and

from BCZR § 4131.E.1 to permit two signs at entry points containing a total of 1220 ± square feet of spot light illuminated identification and directional signage in lieu of the 15 square feet allowed; and

from BCZR § 102.5 the permit the proposed signs to be 8 feet high in lieu of the 3 feet allowed.

VARIANCE - JUSTIFICATION:

- The subject property is constrained by the location and effect of the Soldier's Delight Environmental area;
- A portion of the subject property was required to be dedicated to Baltimore County for a major water reservoir, not necessitated by the proposed development;
- The signs are necessary as directional tools for the general public; and
- Such further justification as will be presented at the hearing required on this request.

July 27, 1995

OWINGS MILLS GOLF COMMUNITY
DESCRIPTION TO ACCOMPANY ZONING PETITION
(FOR ZONING PURPOSES ONLY)
(GOLF COURSE SPECIAL EXCEPTION)

Beginning at a point located approximately 1930 feet, more or less, North of the intersection of Lyons Mills Road and Deer Park Road, thence running;

- North 21°21'19" East 1,114.32 feet, more or less, to a point; thence,
- South 86°41'37" East 784.86 feet, more or less, to a point;
- South 44°06'32" East 218.28 feet, more or less, to a point; thence,
- South 58°26'55" West 334.44 feet, more or less, to a point; thence,
- South 03°41'29" West 155.32 feet, more or less, to a point; thence,
- South 59°02'10" West 174.93 feet, more or less, to a point; thence,
- South 01°28'53" West 580.19 feet, more or less, to a point; thence,
- South 23°05'29" East 701.18 feet, more or less, to a point; thence,
- South 65°13'29" West 71.59 feet, more or less, to a point; thence,
- South 73°18'03" West 52.20 feet, more or less, to a point; thence,
- North 04°58'11" West 115.43 feet, more or less, to a point; thence,
- North 68°37'46" West 123.49 feet, more or less, to a point; thence,
- North 34°49'28" West 280.18 feet, more or less, to a point; thence,
- North 67°37'12" West 91.92 feet, more or less, to a point; thence,
- South 39°48'20" West 78.10 feet, more or less, to a point; thence,
- North 77°16'32" West 158.90 feet, more or less, to a point; thence,
- South 69°35'24" West 229.40 feet, more or less, to a point; thence,
- South 01°23'26" East 189.85 feet, more or less, to a point; thence,
- South 71°17'27" West 328.62 feet, more or less, to a point; thence,
- South 13°30'34" East 560.15 feet, more or less, to a point; thence,
- South 04°46'09" West 206.56 feet, more or less, to a point; thence,
- North 71°07'43" West 150.00 feet, more or less, to a point; thence,

page 2
OWINGS MILLS GOLF COMMUNITY
DESCRIPTION TO ACCOMPANY ZONING PETITION
(FOR ZONING PURPOSES ONLY)
(GOLF COURSE)
July 27, 1995

- South 18°52'17" West 220.00 feet, more or less, to the centerline of Lyons Mill Road, thence running said centerline,
- North 71°25'49" West 400.00 feet, more or less, to a point; thence,
- North 70°36'04" West 198.47 feet, more or less, to a point; thence,
- North 73°20'47" West 145.80 feet, more or less, to a point; thence,
- South 75°08'13" West 299.75 feet, more or less, to a point; thence, leaving said Road,
- North 06°30'13" East 12.21 feet, more or less, to a point; thence,
- North 61°11'22" West 25.38 feet, more or less, to a point; thence,
- North 07°51'46" West 68.10 feet, more or less, to a point; thence,
- North 26°05'35" West 22.80 feet, more or less, to a point; thence,
- North 21°43'47" West 39.85 feet, more or less, to a point; thence,
- North 30°10'58" West 124.64 feet, more or less, to a point; thence,
- North 13°10'27" East 32.95 feet, more or less, to a point; thence,
- North 47°54'49" East 19.77 feet, more or less, to a point; thence,
- North 28°36'28" West 172.58 feet, more or less, to a point; thence,
- North 30°36'52" East 111.39 feet, more or less, to a point; thence,
- North 10°35'18" East 41.81 feet, more or less, to a point; thence,
- South 48°53'04" East 36.59 feet, more or less, to a point; thence,
- North 16°22'03" East 73.41 feet, more or less, to a point; thence,
- North 55°49'46" East 39.62 feet, more or less, to a point; thence,
- North 34°36'46" East 62.44 feet, more or less, to a point; thence,
- North 14°59'13" East 38.61 feet, more or less, to a point; thence,

page 3
OWINGS MILLS GOLF COMMUNITY
DESCRIPTION TO ACCOMPANY ZONING PETITION
(FOR ZONING PURPOSES ONLY)
(GOLF COURSE)
July 27, 1995

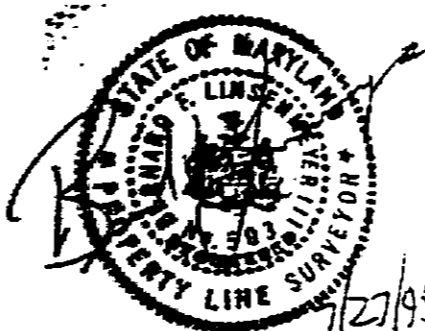
- North 05°48'15" East 294.58 feet, more or less, to a point; thence,
- North 55°35'42" East 41.40 feet, more or less, to a point; thence,
- North 49°35'18" West 77.95 feet, more or less, to a point; thence,
- North 40°07'43" West 203.85 feet, more or less, to a point; thence,
- South 45°31'20" West 6.73 feet, more or less, to a point; thence,
- North 86°08'13" West 27.23 feet, more or less, to a point; thence,
- North 85°15'21" West 15.64 feet, more or less, to a point; thence,
- North 89°59'45" West 24.53 feet, more or less, to a point; thence,
- South 81°35'45" West 38.96 feet, more or less, to a point; thence,
- North 84°56'57" West 57.38 feet, more or less, to a point; thence,
- South 76°27'33" West 60.17 feet, more or less, to a point; thence,
- North 86°20'59" West 80.46 feet, more or less, to a point; thence,
- South 75°31'43" West 211.56 feet, more or less, to a point; thence,
- South 52°15'18" West 32.88 feet, more or less, to a point; thence,
- North 85°06'23" West 99.28 feet, more or less, to a point; thence,
- North 87°02'15" West 59.08 feet, more or less, to a point; thence,
- North 89°28'36" West 24.90 feet, more or less, to a point; thence,
- North 53°28'36" West 37.43 feet, more or less, to a point; thence,
- North 06°45'43" East 34.23 feet, more or less, to a point; thence,
- North 33°14'31" East 80.16 feet, more or less, to a point; thence,
- North 23°45'14" West 260.13 feet, more or less, to a point; thence,
- North 62°09'27" West 83.65 feet, more or less, to a point; thence,
- North 87°58'22" West 58.03 feet, more or less, to a point; thence,
- North 59°06'48" West 141.76 feet, more or less, to a point; thence,
- North 04°22'20" West 579.55 feet, more or less, to a point; thence,

page 4
OWINGS MILLS GOLF COMMUNITY
DESCRIPTION TO ACCOMPANY ZONING PETITION
(FOR ZONING PURPOSES ONLY)
(GOLF COURSE)
July 27, 1995

- South 85°37'40" West 190.00 feet, more or less, to a point; thence,
- North 43°44'12" West 233.00 feet, more or less, to a point; thence,
- North 52°20'52" West 210.00 feet, more or less, to a point; thence,
- North 05°43'13" East 250.00 feet, more or less, to a point; thence,
- North 66°10'10" East 298.20 feet, more or less, to a point; thence,
- North 30°38'05" East 200.43 feet, more or less, to a point; thence,
- North 08°41'29" East 240.18 feet, more or less, to a point; thence,
- South 69°51'14" East 1,060.34 feet, more or less, to a point; thence,
- South 26°21'43" West 233.90 feet, more or less, to a point; thence,
- South 47°14'19" West 191.83 feet, more or less, to a point; thence,
- South 47°25'55" West 211.27 feet, more or less, to a point; thence,
- North 79°20'24" East 440.98 feet, more or less, to a point; thence,
- South 62°18'45" East 1,102.38 feet, more or less, to a point; thence,
- South 27°41'15" West 76.33 feet, more or less, to a point; thence,
- South 62°18'45" East 143.30 feet, more or less, to a point; thence,
- North 27°41'15" East 76.33 feet, more or less, to a point; thence,
- South 62°18'45" East 361.90 feet, more or less, to the centerline of Lyons Mills Road, thence running along said centerline,
- South 14°15'53" East 128.02 feet, more or less, to a point; thence,
- South 16°14'05" East 148.51 feet to the point of beginning.

Containing approximately 142.7 acres of land, more or less.

Golfcour. 726/desc#4/7.26



July 27, 1995

OWINGS MILLS GOLF COMMUNITY
DESCRIPTION TO ACCOMPANY ZONING PETITION
(FOR ZONING PURPOSES ONLY)
(GOLF COURSE SPECIAL EXCEPTION)

Beginning at a point located approximately 1930 feet, more or less, North of the intersection of Lyons Mills Road and Deer Park Road, thence running;

- North 21°21'19" East 1,114.32 feet, more or less, to a point; thence,
- South 86°41'37" East 784.86 feet, more or less, to a point; thence, binding on the outline of the Michael J. Kitt property,
- North 00°00'00" West 1,237.50 feet, more or less, to a point; thence,
- South 65°30'00" West 1,050.95 feet, more or less, to a point; thence,
- South 30°45'00" West 449.62 feet, more or less, to a point; thence,
- South 04°30'00" East 594.00 feet, more or less, to a point; thence, leaving the outline of said Kitt property,
- South 86°41'37" East 195.00 feet, more or less, to a point; thence,
- South 04°57'26" East 775.08 feet, more or less, to a point;
- North 86°01'31" East 23.06 feet, more or less, to a point; thence,
- South 00°21'40" East 130.71 feet, more or less, to a point; thence,
- North 89°38'20" West 280.00 feet, more or less, to a point; thence,
- South 00°21'40" East 380.00 feet, more or less, to a point; thence,
- North 89°38'20" West 230.00 feet, more or less, to a point; thence,
- South 00°21'40" East 518.27 feet, more or less, to a point; thence,
- North 89°39'20" East 50.00 feet, more or less, to a point; thence,
- South 00°21'40" East 1,153.40 feet, more or less, to the centerline of Lyons Mill Road, thence running along said centerline,
- South 85°38'27" West, 625.00 feet, more or less, to a point; thence, leaving said Road,

page 2
OWINGS MILLS GOLF COMMUNITY
DESCRIPTION TO ACCOMPANY ZONING PETITION
(FOR ZONING PURPOSES ONLY)
(GOLF COURSE)
July 27, 1995

- North 04°21'33" West 723.00 feet, more or less, to a point; thence,
- South 83°45'13" West 756.81 feet, more or less, to a point; thence,
- North 59°06'24" West 444.18 feet, more or less, to a point; thence,
- North 06°54'40" West 83.79 feet, more or less, thence running along the centerline of Deer Park Road,
- North 04°48'52" East 32.27 feet, more or less, to a point; thence,
- North 77°37'26" East 319.94 feet, more or less, to a point; thence,
- North 12°11'05" West 149.97 feet, more or less, to a point; thence,
- South 77°34'21" West 298.64 feet, more or less, to the centerline of Deer Park Road, thence running along said centerline,
- North 20°59'32" West 216.06 feet, more or less, thence leaving said Road,
- South 71°17'27" West 328.62 feet, more or less, to a point; thence,
- South 13°30'34" East 560.15 feet, more or less, to a point; thence,
- South 04°46'09" West 206.56 feet, more or less, to a point; thence,
- North 71°07'43" West 150.00 feet, more or less, to a point; thence,
- South 18°52'17" West 220.00 feet, more or less, to the centerline of Lyons Mill Road, thence running said centerline,
- North 71°25'49" West 400.00 feet, more or less, to a point; thence,
- North 70°36'04" West 198.47 feet, more or less, to a point; thence,
- North 73°20'47" West 145.80 feet, more or less, to a point; thence,
- South 75°08'13" West 299.75 feet, more or less, to a point; thence, leaving said Road,

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM
FROM: Pat Keller, Director, OP
SUBJECT: Owings Mills Golf Community

DATE: August 30, 1995

INFORMATION:
Item Number: 47
Petitioner: Triangle Development Corporation
Property Size:
Zoning: DR-3.5, RC-4 and RC-5
Requested Action: Special Hearing and Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:
The attached comment of August 30, 1995 reflects the position of this office regarding the subject request.

Prepared by: *Carol Kiers*

Division Chief: *Carol Kiers*

PK/JL

ITEM#47//VZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

DEVELOPMENT PLAN CONFERENCE
TO: Arnold Jablon, Director - Department of Permits & Development Management
FROM: Arnold F. (Pat) Keller, III, Director - Office of Planning
DATE: August 30, 1995
PROJECT NAME: Owings Mills Golf Community - PUD R-1
PROJECT NUMBER: 11-501
PROJECT PLANNER: Ervin McDaniel

GENERAL INFORMATION:
Applicant Name: Triangle Development Corp
c/o Henry Lebrun
212 Washington Ave Baltimore MD 21204
Location: Deer Park & Dolfield Roads
Councilmanic District: 3rd District
Growth Management Area: Urban Center - Owings Mills
Zoning: DR 3.5, RC 4 & RC 5
Acres: 278 acres

Surrounding Land Use and Zoning:
North: R.C. 4 Rural Residential
South: R.C. 5 Rural Residential
East: D.R. 3.5 Residential
West: R.C. 4 Institutional

Project Proposal:
The Applicant proposes 84 single-family dwellings, 289 town houses, 112 condos and an 18 hole golf course on 278 acres of land zoned RC 5 (128.1 acres), DR 3.5 (109.6 acres) and RC 4 (40.3 acres). Parking is required for 804 vehicles while 825 spaces are provided. Open space of 5.6 acres is required. A Modification of Standards will be requested to allow up to eight town house units in a row and to allow a building to building setback of 12' for single-family units. A Waiver of Public Works Standards will be requested for certain offsite roads. A Special Exception is required to allow a golf course. Two (2) single-family dwellings, a mobile home and accessory structures exist on the site. One of the dwellings will remain. Slopes

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Pg. 1

PROJECT NAME: Owings Mills Golf Community PROJECT NUMBER: 11-501
greater than 15% are scattered throughout the site. There are also wetlands and floodplains throughout the site.
Other Anticipated Actions and Additional Review Items:
X Special Exception X Referral to Planning Board X PUD
X Variance X Compatibility X Other
X Waiver X Scenic Route
RTA Modification Design Review Panel

PARTIES OFFICE OF PLANNING RECOMMENDED TO BE NOTIFIED BY APPLICANT:
ALL ADJACENT PROPERTY OWNERS
Reisterstown-Owings Mills-Glyndon
Coordinating Council
Robert D Sellers, Zoning Chairman
4125 Worthington Avenue
Reisterstown MD 21136
RENEW
Diane F Goldbloom, Pres
3935 Nemo Rd
Randallstown MD 21133
Silverbrook Farm HOA
Martin L Buckman, Pres
4407 Silverbrook Ln C-102
Owings Mills MD 21117
Five Oaks HOA
Tom Havron
9344 Town Place Dr
Owings Mills MD 21136
Twelve Trees Association
Frank Greenberg
PO Box 535
Randallstown, MD 21133
Reisterstown-Owings Mills-Glyndon
Chamber of Commerce
Sandy Smith, Exec Dir
11502 Reisterstown Rd
Owings Mills MD 21117
Briarhurst Community Association
Linda D Wacker
5 Holshire Ct.
Randallstown, MD 21133

MEETINGS:
Concept Plan Conference 11 / 14 / 94 Community Input Meeting 12 / 14 / 94
Development Plan Conference 08 / 30 / 95 Community Input Meeting 01 / 04 / 95
Hearing Officer's Hearing 09 / 15 / 95 Planning Board 04 / 27 / 95

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Pg. 2

PROJECT NAME: Owings Mills Golf Community PUD-R1 PROJECT NUMBER: 11-501
RECOMMENDATION(S)
PLANNING BOARD
At its meeting on April 27, 1995, the Planning Board voted to approve the PUD R1 Concept Plan for "Owings Mills Golf Community" subject to the conditions as amended to the Director's Report (see attached).

AUTHORIZATION/DEVELOPMENT PLAN
After reviewing the Authorization/Development Plan for the PUD R1 "Owings Mills Golf Community" for conformance with the Concept Plan comments and Planning Board's recommendations, the Office of Planning recommends the plan be approved subject to the listing(s) below.

- The applicant should append the elevations, cross-sections and landscape plan to the PUD R1 Authorization/Development Plan.
- The Conservancy and Building Area should be clearly delineated on the plan. The information block calculating the RC 4 acreage, density, building area and Conservancy Area should be included on the plan (see Concept Plan comments under Zoning Regulations for more detail pages 4 and 5).

COMPATIBILITY
Section 26-282.4 of the Development Regulations requires the Director of Planning to make compatibility recommendations to the Hearing Officer for PUDs. The Director finds this project to be compatible after reviewing this project in accordance with the Residential Compatibility Objectives within the CHDP.

The Office of Planning and Zoning defines the neighborhood for the Owings Mills Golf Community as:

- Dolfield Road, Ship Lane to Soldiers Delight to the North,
- Lyons Mill Road to the South,
- Marriottsville Road (Lyons Manor Community) to the East,
- Locust Run, Soldiers Delight and the vacant properties to the West.

Review of the PUD Concept Plan, Compatibility report, and architectural drawings labeled Exhibit "P" shows the following:

Site Planning
The proposed development pattern organizes roads, houses and open spaces in a manner that provides smooth transitions between the new development and the existing neighborhood. This is accomplished by placing similar housing types adjacent to the existing residential properties, the golf course layout, retaining forested areas, and placing landscape buffers so that the new development is screened from the existing public roads and residential properties.

Three major building types are proposed; single family detached, town homes, and condominiums. These building groups are arranged so that the single family houses are adjacent to the existing single family neighborhood and the town houses are located below the crest of the hill, out of site from the adjacent Lyons Mill Community. The town houses are arranged so that no rear yards face the proposed public roads and landscape buffers screen parking areas from public view. The condominiums are located along the golf course approximately 920' from

9402501.DEV/PZONE/CONCEPT

Pg. 3

PROJECT NAME: Owings Mills Golf Community PUD-R1 PROJECT NUMBER: 11-501

the Lyons Manor community and 600' from Dolfield Road providing considerable natural wooded and planted landscape buffers between the new and existing homes.

The proposed golf course complements the Owings Mills Open Space Plan and makes an appropriate transition from the developed areas to the rural landscape.

Landscape Design
A 25' wide landscape buffer is proposed in the rear of the single family lots adjacent to Lyons Manor community. This buffer is not required for detached home development but will provide additional landscape screening between the new development and existing houses.

A 50' landscape buffer is proposed to screen the rear yards of the single family detached homes from the existing properties on Lyons Mills Road. This buffer is twice the 20' landscape buffer required for arterials, substantially increasing the effectiveness of the landscape screening and improving the appearance of Lyons Mills Road streetscape.

Extensive landscaping is proposed to screen the town house and condominium parking areas from public view.

Street tree plantings, landscaping at the entrances, and park-like landscaping of the golf course and other planned open spaces will reinforce the neighborhood character and visual quality of the development.

Building Architecture
The proposed single family houses are similar in size, scale, height and bulk to the existing homes in the Lyons Mills Community (as demonstrated in sections A-A and B-B of the applicants submittal). All three housing types are proposed to maintain a residential suburban character.

SPECIAL EXCEPTION
The Office of Planning supports the requested Special Exception for a golf course and associated club house, swimming pool, tennis courts and community building.

VARIANCE
The Office of Planning supports the requested variances based upon the PUD R1 Plan approved by the Baltimore County Planning Board.

SPECIAL HEARING
The Office of Planning supports the density for Owings Mills Golf Community PUD R1 plan.

Division Chief: *Ervin McDaniel*

END:rdn

9402501.DEV/PZONE/CONCEPT

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BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
September 1, 1995
FROM: J. Lawrence Pilson, Jr.
Development Coordinator, DEPRM
SUBJECT: Zoning Item #47 - Owings Mills Golf Community
Lyons Mill & Deer Park Roads
Zoning Advisory Committee Meeting of August 14, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Development of the property must comply with Regulations for Forest Conservation.

Development of the property must comply with DEPRM's Golf Course Guidelines.

Reference is made to the comments presented at the Development Plan Conference.

JLP:VK:sp

OWINGS/DEPRM/TXTSBB

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management
DATE: August 22, 1995
FROM: Robert W. Bowling, P.E., Chief
Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For August 21, 1995
Items 044, 046, 047, 048, 049, 051, 053 and 054

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:ew



AUG 15 1995

August 11, 1995

ZADM

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
MD 26 - East Side at
Lyons Mill Road
Intersection
Owings Mills Golf
Community
Special Hearing Variance
& Special Exception
Request
Item #0:7 (JLL)
Mile Post 2.15

Dear Ms. Watson:

This letter is in response to your request for our review of the plan for the referenced item.

In our previous review of the concept plan for the subject development and in our letter to Mr. Donald T. Rascoe, Development Manager for Baltimore County, dated 11/9/94, we indicated that although there is no direct access onto a State roadway from the proposed development, given the close proximity to the intersection of MD 26 and Lyons Mills Road, we recommend the county require the developer to submit a Traffic Impact Analysis (TIA) for our review in order to determine what impact, if any, the additional traffic (3,119 ADT's) may have at the aforementioned intersection.

In addition, the recommended TIA and final development plan should indicate that MD 26 is identified in the State Highway Administration's (SHA) current and long range planning documents for a future 80' right-of-way at the intersection of MD 26 and Lyons Mill Road in conjunction with future roadway improvements along MD 26 in this area.

Therefore, although we have no objection to approval of the special hearing, special exceptions and variance requests as submitted, our aforementioned comments regarding the recommended traffic impact analysis and right-of-way, indicated in our November 1994 letter remain valid.

My telephone number is 410-333-1350 (Fax# 333-1041)

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Page two
August 11, 1995

Should you have any questions, please contact Bob Small at
(410) 333-1550.

Thank you for the opportunity to review this plan.

Very truly yours,

David N. Ramsey
Donald Burns, Chief
Engineering Access Permits
Division

BS/maw

cc: Mr. Darrell Wiles

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: MARGARET V. MILLER, TRUSTEE & MARGARET V. MILLER &
GLADYS C. HAAS & FLORENCE FOX HITT & GEORGE R. COLLINS & WILLIAM B.
MARTIN & LEONARD A. MILLER, TRUSTEE, & LEONARD A. MILLER.
LOCATION: NE & NWC LYONS MILL RD. AND DEER PARK RD. (OWINGS MILLS GOLF
COMMUNITY - PUD)

Item No.: 047 Zoning Agenda: SPECIAL HEARING / VARIANCE
SPECIAL EXCEPTION

Gentlemen:

Pursuant to your request, the referenced property has been surveyed
by this Bureau and the comments below are applicable and required to
be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the
Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site
shall comply with all applicable requirements of the National Fire
Protection Association Standard No. 101 "Life Safety Code", 1991
edition prior to occupancy.

REVIEWER: LT. ROBERT L. DEERWALD
Fire Marshal Office, PHONE 333-4581, MS-1111P

cc: File

RECEIVED
AUG 11 1995

ZADM

PETITION PROBLEMS AGENDA OF

#44 -- RT

1. Need power of attorney for person signing for contract purchaser.
2. Who signed petition for attorney?

#45 -- MJK

1. Need power of attorney for person signing for contract purchaser.

#47 -- JLL

1. Margaret Miller is trustee for who?
2. Need power of attorney for Margaret Miller, trustee.
3. Leonard Miller is trustee for who?
4. Need power of attorney for Leonard Miller, trustee.
5. Need telephone numbers for all legal owners.

#50 -- JLL

1. Notary section is incomplete.

#51 -- JCM

1. Notary section is incomplete.

#52 -- JJS

1. No item number on receipt.
2. No city, state, or zip code for legal owner.

#53 -- JJS

APPEARANCE AT SPECIAL HEARING
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 96-53-SPHX

Handwritten signature
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-
captioned matter. Notice should be sent of any hearing dates or other
proceedings in this matter and of the passage of any preliminary or
final order.

Handwritten signature
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Handwritten signature
CAROLE S. DENILLO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of August, 1995, a copy
of the foregoing Entry of Appearance was mailed to Howard L. Alderman,
Jr., Esquire, Levin & Gann, P.A., 305 W. Chesapeake Avenue, Suite 113,
Towson, MD 21204, attorney for Petitioners.

Handwritten signature
PETER MAX ZIMMERMAN

IN DEV SYSTEM.

2 SIGNS LYONS MILL RD.

2 SIGNS DEER PARK RD.

HOWARD ALDERMAN IS PROVIDING A COPY OF THE
MAILING LIST (AS SHOWN
NAMES + ADDRESSES (FROM THE PLAN)) OF THE
OWNERS WHO SIGNED THE CONTINUATION FORM ATTACHED
TO THE PETITIONS SHEETS. FOR EACH SET OF
INDIVIDUAL PERMITS.

COMMUNITY INPUT MEETING MINUTES

Development Name: OWINGS MILLS GOLF COMMUNITY Date: December 14, 1994
Location: Deer Park Middle School ZADM File No: II-501
District: 2C3

Joseph V. Maranto, representing the Office of Zoning Administration and Development Management, called
the meeting to order. Brief introductory comments were given about Baltimore County's development
approval process and the purpose of the meeting. Senator Paula Hollinger was represented by Ms. Robin
Stevens. Also in attendance were Delegate-elect Michael Finifter, Ms. Dianne Gilbert, representing
Councilman T. Brian McIntire, Ms. Valerie Klein, Mr. Larry Yeager, & Mr. Steve Mogilnicki of the Department of
Environmental Protection and Resource Management, Mr. John Lewis of the Office of Zoning Administration
and Development Management, Mr. Michael Grossman of the Department of Recreation and Parks, Mr. Jack
Dillon of the Office of Planning and Zoning, Mr. Tom Sadowski of the Economic Development Commission,
and Mr. Robert W. Bowling of the Department of Public Works.

Alan Scoll, of D. S. Thaler & Associates Inc., representing the developer, presented the plan for Triangle
Development Corporation. He indicated that the property contains approximately 278 acres which will be
developed into an 18 hole golf course, 84 single family homes, 289 townhouses, and 112 condominiums. The
meeting was then opened for general discussion and questions as follows:

Q. I'd like to know the breakdown of the number of houses compared to this proposal.
A. The previous plan presented in 1992 showed more than 300 single family homes. All of the lots were 40
feet wide. Under the code, this would only permit a 20 foot wide house. The proposal on the board shows 85
single family homes (including one existing house to remain), 167 garage townhouses, 122 townhouses
without garages, and 112 condominiums. It was noted that there was an error in the unit count shown on the
plan. The figure for garage townhouses should have been 64 units, not 167.

Q. Is the first plan still viable?
A. The plan presented in 1992 is not still a viable plan. The plan on the board is less environmentally
sensitive than the original plan.

Q. The way the development is pushed toward Lyons Manor development, the shortest way is through
Marriottville Road.

A. We have not ordered a traffic study, but will probably do so at the next level. There are two main
entrances into the development: three entrances to the golf course and the residential development off Deer
Park Road, Doffield Road, and Tavern Keep Road.

Q. Who will pay for the sewer that will be needed?
A. The Developer will pay the entire cost for the sewer extension.

Q. What will we do about traffic on Marriottville Road?

A significant amount of money has been put
into the development and you can see through the
area.

Q. There are two main entrances at Doffield Road and Deer Park Road. Why is an access necessary
through Lyons Manor?
A. We previously showed a connection through Rolling Ridge. As a master plan objective, we have made an
attempt to connect neighborhoods to maximize circulation.

Q. Why can't you put in fewer, more expensive single family homes?
A. It is not cost effective to do that.

Q. Is it 320 homes, or 485 that you are proposing? How can the density remain the same?
A. 485 units is the allowable density permitted by the DR 3.5 zone; there is additional density permitted within
the RC 4 and RC 5 zones that we have elected not to utilize.

Q. I have read the Master Plan and it indicates that only single family homes would be permitted here!
A. I don't think that the Master Plan says only single family homes. The code permits the use that is proposed.
The townhouses are set back with a 50 foot buffer. We have dispersed the townhouses so that we will not
have a solid wall of housing. There is a court-like setting for each group of townhouses.

Q. Why are you proposing gate houses? There exists the potential for an ugly social situation.
A. The gate houses are for decoration only. Public roads are not permitted to have functional gate houses.

Q. What is the public benefit for the Planned Unit Development (PUD)?
A. There are two types of PUD. The PUD R-1 does not permit commercial uses, there is no increase in
density. It is simply a method of reviewing the plan. It allows greater control from the county's point of view in
terms of architectural review, compatibility, etc. There is no public benefit required under the PUD R-1;
however, the amenity of a public golf course provides a benefit.

Q. I own a welding shop on Lyons Mill Road. If they build, will I have to build a wall around my
property?
A. Mr. Lee expressed concern for the ultimate road widening and how it could adversely affect
unloading of trucks in front of his property.

A. If you are operating your business as a legal permitted use, no one can force you to relocate.

Q. You wanted to provide access to the public sewer. Was that the sole determination for where the
houses would go?
A. To move the houses to another part of the site would cause a greater environmental impact. The only way to
serve the homes with water and sewer is in the location proposed. We also wanted to maximize the
amount of property for use of the golf course and as open space.

Q. Will the irrigation affect the surrounding wells?
A. The developer needs to address ground water quality issues. We will look at adjacent well impact analysis.
We also look at drawdown and its impact. There will be a baseline water quality monitoring procedure that will
establish a network of monitoring prior to, during and following the development. These issues are addressed
after the process.

Q. Will the storm water management pond attract mosquitoes?
A. The storm water management facilities are to be fenced and landscaped to be an attractive amenity.
Nothing that we are aware of indicates that the ponds will attract mosquitoes. The ponds will have natural
sunlight and the conditions are not conducive to mosquitoes.

Q. Once you have gotten approval of the golf course, how can you guarantee that the golf course will
not be developed into more houses?
A. The PUD and the Development Plan will have to be approved by the Hearing Officer. If approved, by the
Hearing Officer, all of the remaining forests will be locked up as protective easements. Any material change to
the plan would require a additional public hearing.

Q. What is the benefit of the PUD to the developer?
A. It allows additional flexibility in the placement of housing. Under the old regulations, you could move
houses across zoning lines. The new regulations do not permit that. The PUD regulations permit the transfer
of density while requiring compatibility finding, analysis of impact, and architectural review.

Q. Is the tree buffer to be maintained adjacent to the Lyons Manor subdivision for environmental and
aesthetic reasons?
A. We have not completed any final grading plans to determine what extent of tree buffer will remain, but tree
conservation is a priority. It has been treated as a priority in the layout of this development.

Q. The route into the eastern portion of the site is up Marriottville Road and through Tavern Keep
Road. Two cars per unit = 540 cars. Why not add an additional road for access? Can you put in a
direct access road into Lyons Mills Road? This development will also impact Marriottville Road.
A. We are still in the very early planning stages. We have not ruled that out.

Q. Who will manage the golf course?
A. It was offered to the county. The offer was declined. It will probably be privately run as a public course
open to the public.

Q. Where will the kids from the development go to school? Can we have a Baltimore County school
staff representative present at the next meeting?
A. Deer Park Elementary, Deer Park Middle and Owings Mills High School will serve the development. I will
request that a representative of the Board of Education be present at the January 4th meeting to respond to
your concerns.

Q. I am concerned about the social impact of the development. I chose to live here because I thought
property would appreciate more if I live in Owings Mills. Lyons Mill Road will become more
overcrowded. I would like to see you build single family homes so that our houses will appreciate in
value.

Q. Were our properties rezoned without our notice?
A. No. There have been relatively few zoning changes since 1984. In 1988, part of this property was
rezoned following highly publicized public hearings. This is a process that occurs every four years. If the
county sponsors a zoning change the county is required to notify property owners. We work closely with
community associations to keep them informed of all proposed changes.

Q. Will the golf course be required to water with well water or city water?
A. As far as the water use it is up to the developer. For well water, the developer needs to obtain a Water
Appropriation Permit. There is a water balance assessment that is also necessary. If the State thinks the
amount of water will be available, the permit will be issued. On-site monitoring will be necessary. If the
developer is using ground water, monitoring wells will be set up to test water to determine if compounds such
as fertilizers are getting into the ground water. Each green and tee will be required to have a water quality
management area. In the case of ground water contamination, we will go after the developer.

Q. Why have you chosen an area considered wetlands to construct a golf course?

A. Under new regulations, there are few properties that don't have environmental considerations. The golf course has been designed to be as environmentally sensitive as possible. Buffers are proposed around environmentally sensitive areas. The golf course is in the uplands area where it will have the least impact on wetlands and the least amount of grading necessary.

Q. Has a study been completed as required by 26-277 of the Baltimore County Code regarding steep slopes and prime and productive soils?

A. Yes. It has been reviewed and approved by the Department of Environmental Protection and Resource Management. This establishes forest buffers and setbacks. There is no RC 2 zone on this property, so the prime and productive soils analysis is not required. You may contact Wally Lippincott in the Department of Environmental Protection and Resource Management for further information.

Q. Has the Department of Public Works studied the sewer interceptor for rumors of a surcharge in the line?

A. The plan has been circulated to the Sewer Design Section for review. There is plenty of capacity available.

Q. If you consider a build out rate for the development within the acreage that is being developed, can you explain what density is being proposed, not including the RC 4 and RC5?

A. We have not looked at that issue; however, we will provide the calculations you have requested.

Q. What is the purpose of the water tank?

A. To increase water pressure.

Q. Do you have a proposal for buildout?

A. The plan is for the golf course and residential components to begin simultaneously, depending on market conditions. We hope to begin within one year.

Q. What is the present and proposed width of Dolfield Road? and, are there any plans to relocate any section of Dolfield Road?

A. In front of the property, the road will be increased to 24 feet in width, in other areas, it will also be widened to 24 feet. While there were areas of the road that were studied for relocation, the road will remain in the same alignment.

Q. What recourse do I have if my well goes dry?

A. There is no guarantee, but the developer will be required to apply for a Water Appropriation Permit and demonstrate to the State that the drawdown will not affect other existing wells.

Q. Why can't the golf course be watered by public water?

A. The developer has the right to make his choice and apply for the proper permits.

Q. The county has acquired property along Lyons Mills Road. When will they tell us what they are going to do and when the road will be widened?

A. At the present time, there are no plans to widen the road. Developers will be required to widen and improve the road as development occurs.

Q. Why has the developer planned a maintenance shed and water quality facility where they are?

A. A number of factors went into that decision and that is just the way it worked out.

Q. How can we stop this project?

A. It was explained that the development process is a set of very complex, technical procedures. In all development cases, if your interests need to be protected, it is strongly recommended that you seek professional advice. It would be wise to retain legal counsel that is intimately familiar with the County Code.

the Development Regulations, and all other policies, rules and regulations of the County that pertain to the development process. If there are specific areas of concern that may form the basis of future testimony before the Hearing Officer or an appeal to the Board of Appeals, it would be wise to consider engaging the services of an attorney, a land use expert, traffic or environmental consultant, or other qualified professionals that can effectively represent your interests.

Following closing comments about the next steps in the development process, the meeting was officially adjourned.

The date for the 2nd Community Input Meeting was announced and will be held on January 4, 1995 at 7:00 pm at the Deer Park Middle School, 9830 Winands Road.

Owings Mills Golf Community - CIM Minutes 12/14/94

Respectfully submitted,

Joseph V. Maranto
Project Manager

C:

Hon. T. Bryan McIntire - D3
COUNTY COUNCIL

M.S. 2201

Triangle Development Corp
212 Washington Avenue
Towson, MD 21204

Alan E. Scoll, RLA
D.S. Thaler & Associates, Inc.
7115 Ambassador Rd
Baltimore, MD 21207

Holbrook-Chapeldale Comm Assoc
Barbara Hartman, Pres.
4325 Holbrook Rd
Randallstown, MD 21133

Soldiers Delight Conservation Inc
Dr. Fred Goethe, Pres.
5100 Deer Park Road
Owings Mills, MD 21117

Silverbrook Farm HOA
Martin L. Buckman, Pres.
4407 Silverbrook Lane - C-102
Owings Mills, MD 21117

Five Oaks HOA
Tom Havron
9344 Town Place Drive
Owings Mills, MD 21136

Twelve Trees Association
Frank Greenberg
P.O. Box 535
Randallstown, MD 21133

Reisterstown-Owings Mill-
Glyndon Coordinating Council
Robert D. Sellers, Zon. Chairman
4125 Worthington Avenue
Reisterstown, MD 21136

RENEW
Diane F. Goldbloom, Pres.
3936 Nemo Road
Randallstown, MD 21133

Reisterstown-Owings Mills-
Glyndon Chamber of Commerce
Sandy Smith, Executive Director
11502 Reisterstown Road
Owings Mills, MD 21117

Briarhurst Community Assoc.
Linda D. Wacker
5 Holshire Court
Randallstown, MD 21133

Reviewing Agencies: OPZ, ZADM, R&P, DPW, DEPRM, EDC, CDC,
Bd. of Ed., Fire, SHA- Please distribute as necessary within
your agency.

December 12, 1994

RECEIVED

DEC 22 1994

OFFICE OF
PLANNING & ZONING

Mr. Arnold Keller, Director
Office of Planning and Zoning
401 Bosley Avenue, Room 406
Towson, Maryland 21204

Dear Mr. Keller:

This letter is in reference to the proposed Owings Mills Golf Community. I am a recent resident of the Lyons Mills Community (October 1994). Before purchasing this property I contacted the Planning Office and was advised that the property adjacent to the lot I was considering was zoned DR 3.5 single family. Based on this information, I went ahead with my purchase believing I had taken the necessary steps. Recently, I received a notice informing me that Baltimore County Planning office was supporting a proposed community of 289 town houses and 111 condos and very few single family homes.

Based on the information I received from the Triangle Developer, in addition to proposing townhouses and condos, he is seeking a rezoning change as well. I am not against economic development, the proposed golf community would probably be an asset to the county; however, I am opposed to having this land rezoned to PUD 1 and having townhouses constructed 50 feet from my property line. There is not enough natural infrastructure to separate the property lines and shield us from the massive townhouses planned. The proposed plan is an inconsiderate concept to the new homeowners at Lyons Manor. The density in this area is already very high, the proposed plan will allow an enormous amount of traffic through the Lyons Manor development as well as Lyons Mills Road. A traffic survey or impact study should show that the townhouse traffic and golf traffic is too much for this community. The proposed plan shows all the homes on the east of the property and using Marriottsville road as the main thoroughfare.

Please advise as to why the property has to be rezoned from DR 3.5 to PUD 1 to build the proposed community and if this reclassification will allow the developer to build whatever he desires on the property, the minimum and maximum amount of setback required and the reasons behind the requirement that townhouses be clustered in no more than 6 units.

I appeal to you to not to recommend a change in the zoning of the property and to request that the builder construct homes equal in value to the homes now adjacent to the property. The townhouses rising over our single family homes would be very obtrusive, an injustice to the beauty of the area and would make our community very transient. We will be totally surrounded by townhouses on every side. Thank you.

Gloria Crowder
9 Ambling Way Court

401 Bosley Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

December 28, 1994

RECEIVED
JAN 8 1995
ZADM

Gloria Crowder
9 Ambling Way Court
Baltimore, Maryland 21210

Dear Ms. Crowder,

The Office of Planning and Zoning is in receipt of your letter dated 12/12/94. The time and effort that you have taken to express your concerns is appreciated. In reference to your letter the following information is provided:

* When the Owings Mills Golf community proposed revising their plans for residential development from single-family detached zero lots to single-family detached houses with townhouses and condominiums the Office was unaware of any community concerns regarding the residential development of this property. Through the new development process we are now in receipt of 1) comments provided at the Community Input Meeting, 2) the petition from the residents of Lyons Manor, and 3) written and verbal correspondence from individuals living within Lyons Manor.

* The Planned Unit Development is not a matter of right and must gain approval of the Baltimore County Planning Board in order to proceed to the Hearing Officer. All affected parties will have adequate time to state their concerns before the Planning Board and the Hearing Officer if the project proceeds to that level.

* Townhouses located in DR 3.5 zones are not a matter of right. The PUD allows the developer to request changes to zoning regulations, building types, setbacks, etc. The residential transition area (RTA) is one such requirement which stipulate that buildings must be setback 75 feet from the tract boundary including a 50 foot setback which must remain as an undisturbed buffer.

* At the Community Input Meeting, there was confusion on the part of the developer regarding the exact density of the project. Land used for the golf course cannot be used for residential density as both uses constitute a 'use of land' as defined within the Baltimore County Zoning Regulations.

* The property has not been rezoned from DR 3.5 (which allows only single-family detached dwellings). The developer is requesting consideration for a PUD-R1 so that condominiums and townhouses can be constructed on the tract. The restrictions on the number of townhouses (6) in any group is provided in the Baltimore County Zoning Regulations, and the Comprehensive Manual of Development Policies.

P2 Gloria Crowder
December 28, 1994

Based upon the concerns raised by the Lyons Manor Community, the Office of Planning and Zoning will be re-evaluating the townhouse section located directly adjacent to your community. This Office has requested a road connection south to Lyons Mill Road and as such will continue to push for this connection.

Once again, thank you for taking the time to inform us of your concerns and issues. Hopefully, the outstanding issues can be resolved with the developer so that the project can proceed.

Sincerely,

Pat Keller
Pat Keller, Director
Office of Planning and Zoning

PK:rdn

cc: Joseph Maranto, ZADM, Project Manager

Baltimore County Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

RECEIVED
JAN 23 1995
ZADM

Five Oaks HOA
Tom Havron
9344 Town Place Drive
Owings Mills, MD 21136

FORWARDING 1117 EXPIRED

Printed with Soybean Ink

GRCROWDER.PK/PZONE/TXTROZ

LAW OFFICES
LEVIN & GANN

ELLIS LEVIN (6893-1960)

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-425-9650

305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

HOWARD L. ALDERMAN, JR.

October 2, 1995

VIA HAND DELIVERY

Lawrence E. Schmidt, Esquire
Zoning Commissioner for Baltimore County
Old Court House
Towson, MD 21204

J. Carroll Holzer, Esquire
Holzer and Lee
205 Washington Avenue, Suite 502
Towson, MD 21204

RE: Owings Mills Golf Community
Draft Order: Development Plan/PUD Plan
Zoning Relief

Gentlemen:

I enclose herewith a draft of the proposed Order prepared at Mr. Schmidt's direction at the conclusion of the above-referenced hearing. Please review this draft and advise me of any modifications or additions that you deem necessary.

I can easily produce a "redline" reflecting any changes to enable quick review of the document in its final form. Please call me as soon as possible with any changes so that the "final" version can be produced and executed within the fifteen (15) day statutory period.

Thanks for your cooperation in this regard and I look forward to hearing from each of you shortly.

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk

Enclosure

c (w/encl.): Triangle Deer Park Corporation
David S. Thaler, P.E. (via telefax only)

LAW OFFICES
LEVIN & GANN

ELLIS LEVIN (6893-1960)

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-425-9650

305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

HOWARD L. ALDERMAN, JR.

October 6, 1995

VIA HAND DELIVERY

Lawrence E. Schmidt, Esquire
Zoning Commissioner for Baltimore County
Old Court House - Room 112
Towson, MD 21204

RE: Owings Mills Golf Community
Development Case No. II-501
Zoning Case No. 96-53-SPHXA
Revised Final Order

Dear Mr. Schmidt:

I had delivered to your officer earlier this week a draft of the opinion and order in the above-referenced matter. A copy of that document was also provided to J. Carroll Holzer, Esquire who represents the community members.

I have received this date via telefax from Mr. Holzer the changes to the draft opinion and order desired by him and his clients. Those modifications have been made and I enclose herewith a "redline" of the pages that were modified showing the original text and the text of the final opinion and order.

When I spoke with Mr. Holzer yesterday, I asked that he call you regarding his review of the draft opinion and order. I have received authorization from Mr. Holzer's office this morning, that once the changes shown on the enclosed redline sheets were made, I could sign his signature approving the form and sufficiency of the enclosed final opinion and order (Mr. Holzer will not be available to sign for himself as he is out of the office all day today.) I have also signed approving the final order for form and sufficiency.

I would appreciate it if you would review this final opinion and order and, if in accord with your decision in this matter, execute same before close of business this date. I will be available if you have any questions.

LEVIN & GANN, P. A.

Lawrence E. Schmidt, Esquire
Zoning Commissioner for Baltimore County
October 6, 1995
Page 2

On behalf of my clients, thank you for your thoughtful consideration in this matter.

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk
Enclosures (2)
c(w/encl.): Triangle Deer Park Corporation
J. Carroll Holzer, Esquire

PLEASE PRINT CLEARLY

BALTIMORE COUNTY REPRESENTATIVES
SIGN-IN SHEET

NAME	ADDRESS
Larry Pilon	DEPRM 887-3980
Robert Bowman	PDM 887-3751
Bob Small	SHA 333-1350
Joe Maranto	PDM

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Howard L. Alderman, Jr.	212 WASHINGTON AVE. 21204
Leonard & Mildred Miller	1535 Parkview Dr. 21117
Sharon Wise	4505 Deer Park Rd. 21117
Howard L. Alderman, Jr.	4437 Marlborough Rd. 21117
Howard L. Alderman, Jr.	1151 Oak Ave 21208
Howard L. Alderman, Jr.	9835 Belvidere Dr. 21117
Howard L. Alderman, Jr.	761 W. Chesapeake Ave. #113

Handwritten: I send copy

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Howard L. Alderman, Jr.	9 Oakway Way 21117

Handwritten: I send copy

Michael & Florence Kitt 11 Slade Avenue Baltimore, Maryland 21208	George & Louise Collins 10122 Lyons Mill Road Owings Mills, Maryland 21117	William & Elizabeth Martin 10418 Liberty Road Randallstown, Maryland 21133
Leonard & Mildred Miller 4505 Deer Park Road Owings Mills, Maryland 21117	Gladys Haas 2416 Chetwood Circle Timonium, Maryland 21093	John Miller Sr. & Co. Trustees 4505 Deer Park Road Owings Mills, Maryland 21117
Margaret & Majorie Miller 5412 Emerald Drive Eldersburg, Maryland 21784	Howard L. Alderman, Jr., Esquire Levin & Gann, P.A. Suite 113 305 W. Chesapeake Avenue Towson, Maryland 21204	

The complete addresses of all owners are contained on the following sheet

IN RE: DEVELOPMENT PLAN HEARING APPROVAL OF PUD AND PETITIONS FOR VARIANCE, SPECIAL HEARING AND SPECIAL EXCEPTION - N/S Lyons Mill Road, W&E Of Deer Park Road

2nd Election District
3rd Councilman District

Margaret V. Miller, et al., Owners
Triangle Deer Park Corporation, Developer/
Contract Purchaser

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER, FINDING OF FACTS AND CONCLUSIONS OF LAW

This matter comes before the Hearing Officer/Zoning Commissioner for consideration of a Development Plan, configured as a Planned Unit Development ("PUD"), and Petitions for Variance, Special Hearing, and Special Exception for the proposed development of the subject property by Margaret V. Miller, et al., ("Owners") and the Triangle Deer Park Corporation, as the contract purchaser (the "Developer") (the Owners and the Developer are referred to herein collectively as the "Petitioners"). The proposed development, known as "Owings Mills Golf Community" is located on the north side of Lyons Mill Road on both the east and west sides of existing Deer Park Road in the northwest area of Baltimore County (the "subject property"). The Development Plan was prepared by D.S. Thaler & Associates, Inc., engineers, surveyors, landscape architects and land planners. In addition to the zoning, PUD and Development Plan approval

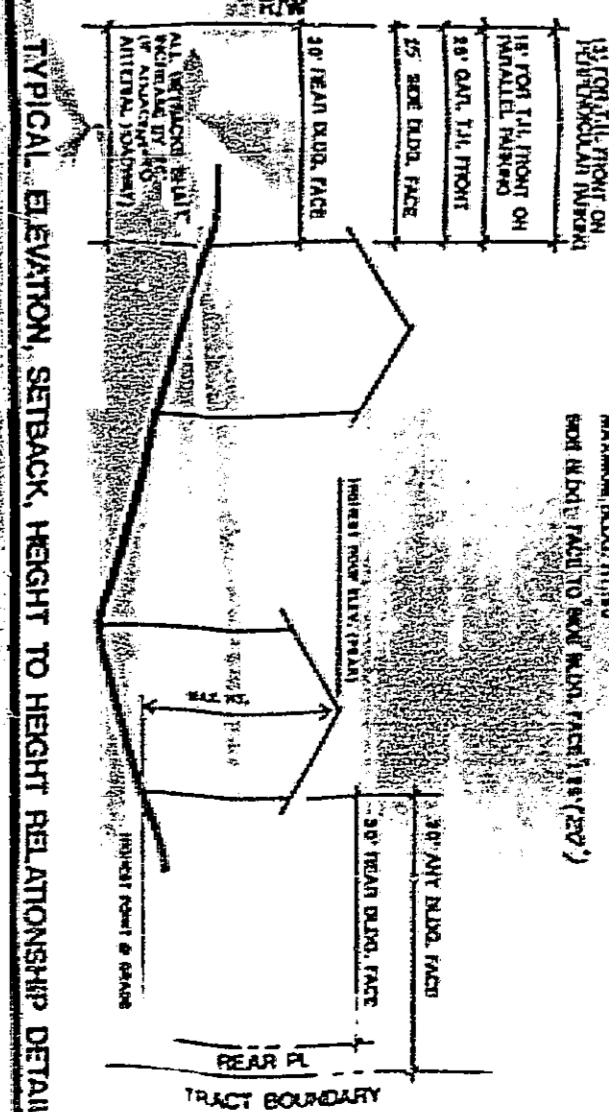
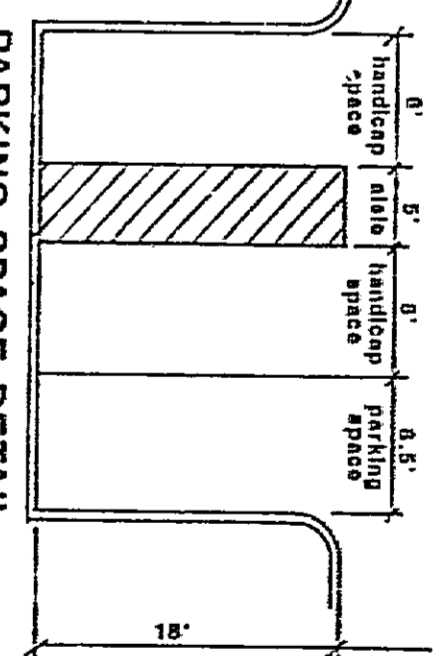
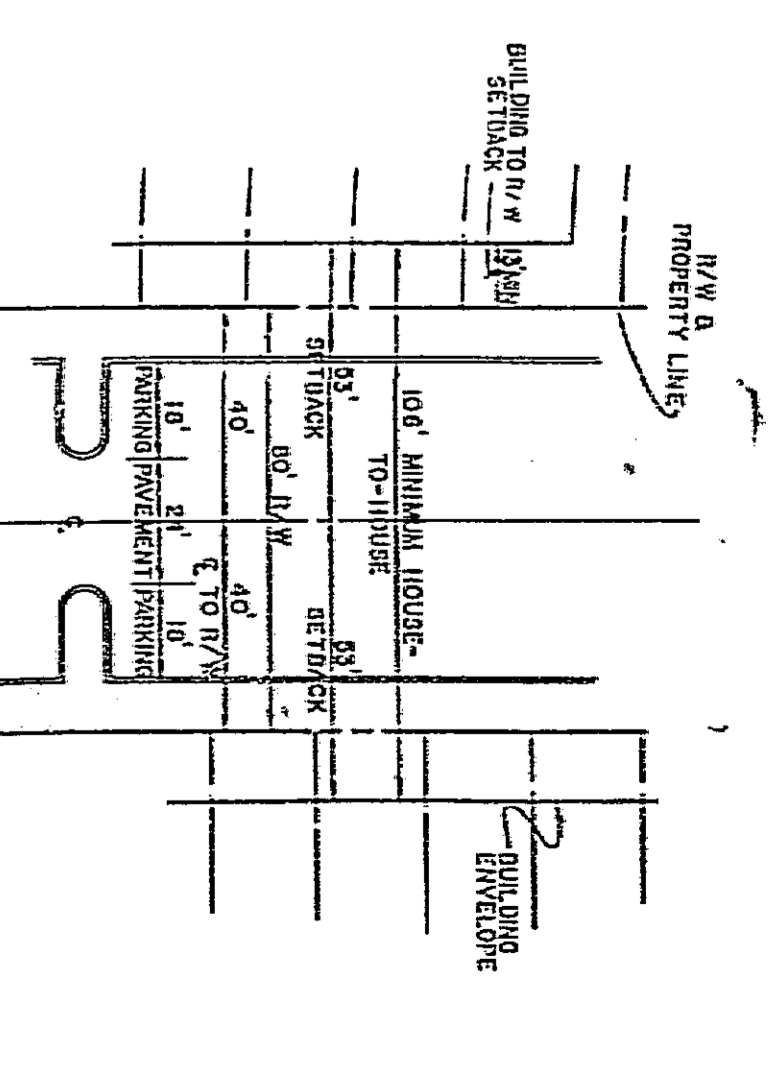
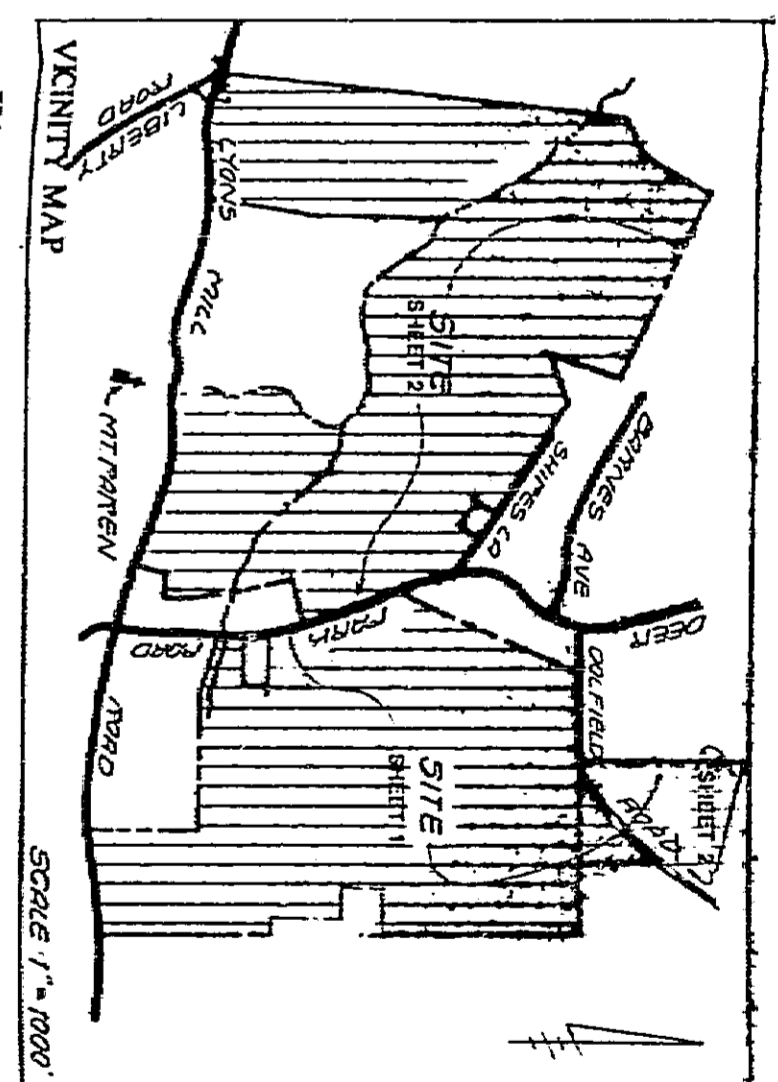
PETITIONER'S PROTESTANT COPY
EXHIBIT 1
THIS DEVELOPMENT/COVENANT AGREEMENT (this "Agreement") is entered into as of the _____ day of _____, 1995, by and among TRIANGLE-DEER PARK CORPORATION, a Maryland Corporation (hereinafter "Developer"); and the LYONS MANOR COMMUNITY ASSOCIATION, INC., (the "Association") and the members of the community whose names are subscribed hereto as individual property owners, if any (hereinafter collectively, with the Association, referred to as the "Neighbors").

RECTALS

- Developer is the contract purchaser of certain parcels of land located on the east and west sides of Deer Park Road, north of Lyons Mill Road in the second election district and third councilmanic district of Baltimore County, Maryland (the "Development Land").
- The Development Land is adjacent to land owned by certain of the Neighbors and is that land on which the Developer has proposed a residential and golf course community known as "Owings Mills Golf Community" also being known as Zoning Administration Development Management Project No. II-501.
- The zoning classifications of the Development Land were changed during the Baltimore County 1988 Comprehensive Zoning Map Process and in connection therewith a Restrictive Covenant Agreement dated October 10, 1988 (the "1988 Covenant Agreement") which binds the Development Land to certain covenants and conditions, was recorded among the Land Records of Baltimore County in Liber 8171, Folio 829, a copy of which is attached hereto as Exhibit A and incorporated herein.

TABLE 1 - EXISTING AND PROPOSED LOT SIZES

Lot Size	Existing	Proposed
1/4 Acre	10	10
1/2 Acre	10	10
3/4 Acre	10	10
1 Acre	10	10
1 1/4 Acre	10	10
1 1/2 Acre	10	10
1 3/4 Acre	10	10
2 Acre	10	10
2 1/4 Acre	10	10
2 1/2 Acre	10	10
2 3/4 Acre	10	10
3 Acre	10	10
3 1/4 Acre	10	10
3 1/2 Acre	10	10
3 3/4 Acre	10	10
4 Acre	10	10
4 1/4 Acre	10	10
4 1/2 Acre	10	10
4 3/4 Acre	10	10
5 Acre	10	10
5 1/4 Acre	10	10
5 1/2 Acre	10	10
5 3/4 Acre	10	10
6 Acre	10	10
6 1/4 Acre	10	10
6 1/2 Acre	10	10
6 3/4 Acre	10	10
7 Acre	10	10
7 1/4 Acre	10	10
7 1/2 Acre	10	10
7 3/4 Acre	10	10
8 Acre	10	10
8 1/4 Acre	10	10
8 1/2 Acre	10	10
8 3/4 Acre	10	10
9 Acre	10	10
9 1/4 Acre	10	10
9 1/2 Acre	10	10
9 3/4 Acre	10	10
10 Acre	10	10



MAIL COLLECTION DETAILS
NOT TO SCALE

TABLE 11
STREET LIGHTING REQUIREMENTS

Street Type	Lighting Type	Height	Spacing
Arterial	High Mast	30' - 40'	100' - 150'
Collector	Standard	20' - 30'	50' - 100'
Local	Standard	15' - 20'	30' - 50'

TABLE 12
MAIL COLLECTION DETAILS

Mailbox Type	Height	Width	Depth
Single Mailbox	42"	12"	12"
Double Mailbox	42"	24"	12"
Cluster Mailbox	42"	24"	12"

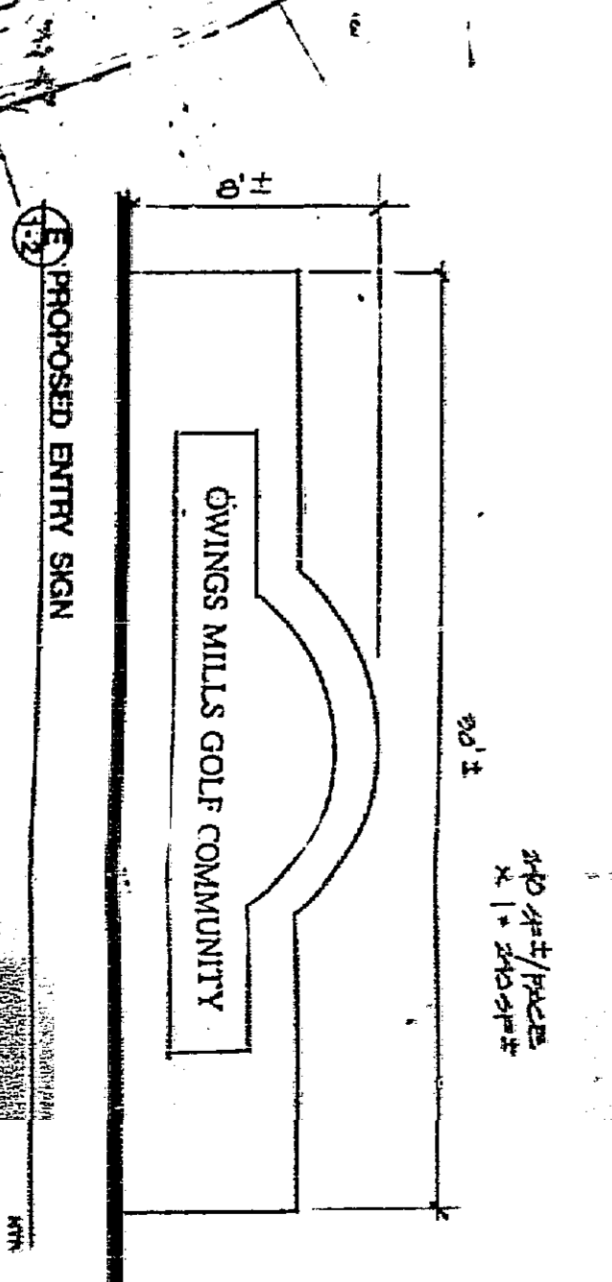
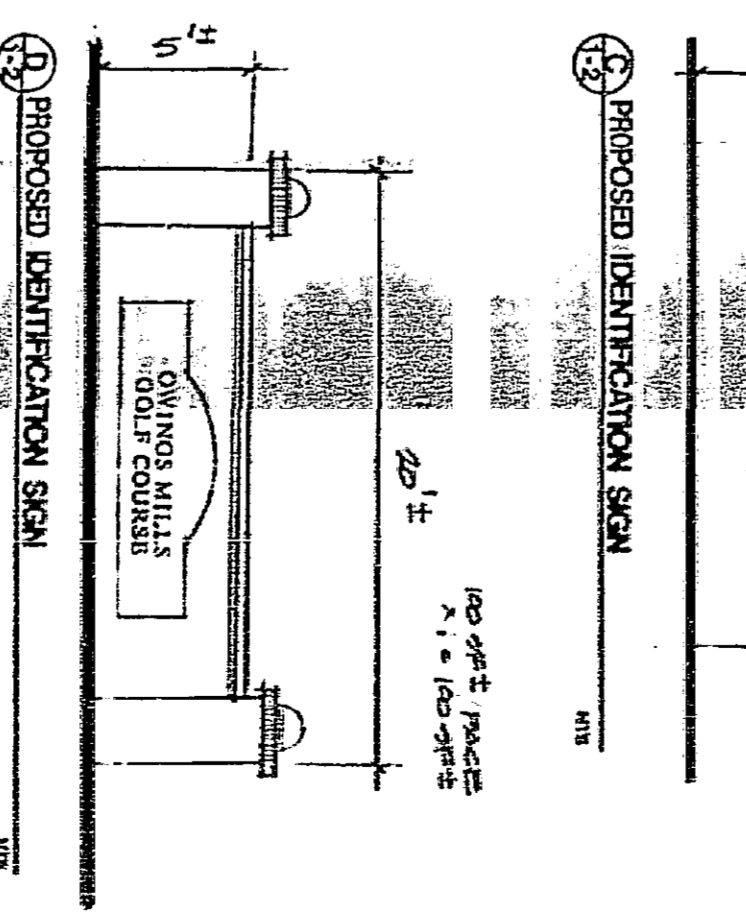
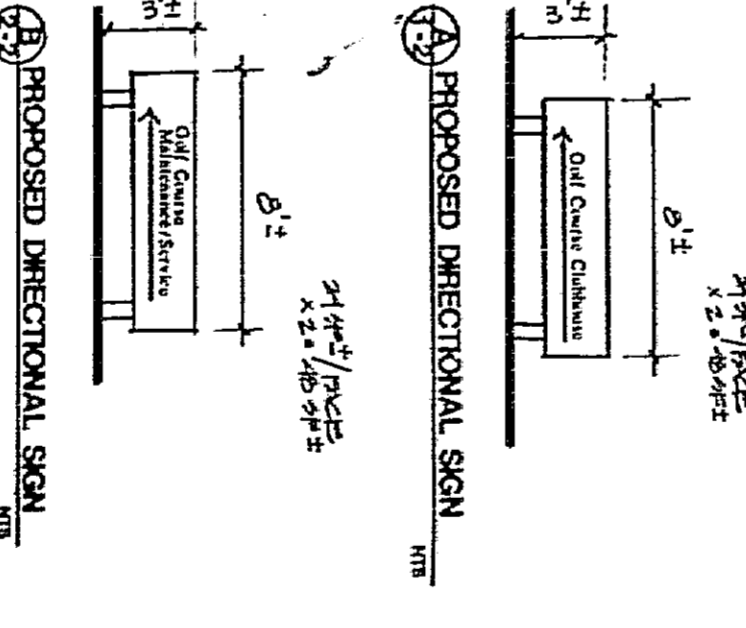


TABLE 13
PROPOSED ENTRY SIGN

Sign Type	Height	Width	Depth
Single Sign	42"	12"	12"
Double Sign	42"	24"	12"
Cluster Sign	42"	24"	12"

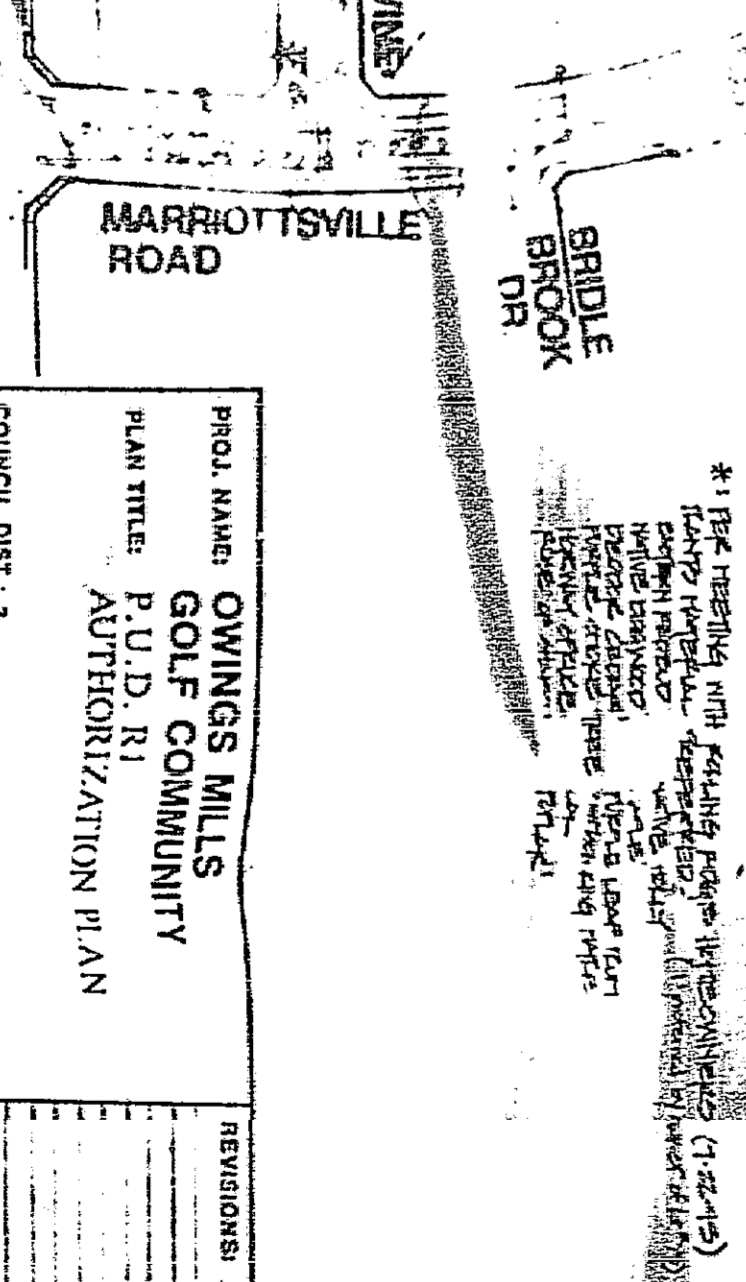


TABLE 14
PROPOSED IDENTIFICATION SIGN

Sign Type	Height	Width	Depth
Single Sign	42"	12"	12"
Double Sign	42"	24"	12"
Cluster Sign	42"	24"	12"



COMMUNITY

D.S. THALER & ASSOCIATES, INC.
CIVIL ENGINEERS
LANDSCAPE ARCHITECTS
7115 AMBASSADOR ROAD BALTIMORE, MARYLAND 21244
(410) 944-ENG (410) 944-ENG FAX (410) 944-3664

OWINGS MILLS GOLF COMMUNITY
P.U.D. #1
AUTHORIZATION PLAN

PROJ. NAME: OWINGS MILLS GOLF COMMUNITY
PLAN TITLE: P.U.D. #1 AUTHORIZATION PLAN
COUNCIL DIST. 3
2nd CLM. 1-4-85
PLANNING BOARD:
H.O.M.:
APPROVAL:
OWNER / DEVELOPER: TRIANGLE - DEER PARK CORPORATION
ATTN: PRESIDENT
1000 W. AND 3RD ST. N.W.
ATLANTA, GA. 30308
(404) 399-3111

REVISIONS:

NO.	DATE	DESCRIPTION
1	10/1/85	PRELIMINARY
2	10/1/85	REVISED
3	10/1/85	REVISED
4	10/1/85	REVISED
5	10/1/85	REVISED
6	10/1/85	REVISED
7	10/1/85	REVISED
8	10/1/85	REVISED
9	10/1/85	REVISED
10	10/1/85	REVISED
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96-53-SPHXA

DEID: 2210/60
TAX ACCOUNT NUMBER
TAX MAP: 66 GRID
ADC MAP: 24A7

TAX MAP: 66 GRID
ADC MAP: 23730
DEED: 1504/410
TAX ACCOUNT NUMBERS
TAX MAP: 66 GRID:
ADC MAP: 2380
DEED: 1091/104
TAX ACCOUNT NUMBERS
TAX MAP: 66 GRID

TAX ACCOUNT NUMBER
TAX MAP# 66 ORD
ADC MAP# 24A3

DIED: 6/25/205
TAX ACCOUNT NUMBER
TAX MAP# 66 ORD
ADC MAP# 24A3

DIED: 6/25/296
TAX ACCOUNT NUMBER

DEBID: 3697/76.7
TAX ACCOUNT NUMBER
TAX YEAR: 62 QRTD
ADC NAME: 24A8

DEBID: 8710/771
TAX ACCOUNT NUMBER
TAX YEAR: 62 QRT1
ADC NAME: 24A8

DR 3.5	=	109.6	AC1
DR 4	=	40.3	AC1
DR 5	=	135.0	AC1
TOTAL	=	274.9	AC1

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C. NITRUM FOR SUBDIVISION
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...theological sites, or historical monuments) in the area were referenced as a golf course.

- 115 units x 10.0/unit
- 140 units x 0.5/unit
- 130 units x 6.5/unit

TOTAL

It be retained in areas of grading. Existing woods, meadows, and to be allowed on the plan and kept permanently clear of all timber.

Miller & Associates, Inc.,
Baltimore County, 6011 S.
Riverside, (See Water Requests
shown shall not be ab-

those areas where movement of these areas is driven into storm drain

own hold intact by the
a area of this property
ity or area to support

Individuals Engagement show
Record of Baltimore CO
1968.

d, a variance may be requested.

and subject to change. The record items than 2 of the dimension and 100 foot with setbacks. 90-to

6

[illegible]

Latitude	8.17
Longitude	6.18
Altitude	700
Time	10.10
Wind	10.10
Clouds	10.10
Temperature	10.10
Humidity	10.10
Pressure	10.10
Visibility	10.10
Remarks	10.10



5

1. B. THAYER & ASSOCIATED, INC.
115 ANNEBOROUGH AVENUE
ALTIMORE, MARYLAND 21414
TELEPHONE: (410) 944-3447
LAW: E. BECKMAN, R. L. A.
Election District: 2
House Tract: T021, 4041
Nominating District: 3

[illegible]

	ACI
Required RUD 201	(270 ACI x 26) = \$5.6 ACI)
Proposed:	
Active open space	150 ACI
100 ft floodplain buffer	82 ACI
Habitat riparian zone	9 ACI
NPA monthly Areas*	<u>14 ACI</u>
TOTAL:	207.4 ACI

*High quality areas will be improved with one or more of the following: landscaping, benches & play equipment.

ADSORBENT	1. P. U. / 40 L. P. (H ₂ N, 75% Moist deciduous)	4.895 L ₂ /410 =	125.4 P.
LITERATOR	1. P. U. / 20 L. P. (H ₂ N, 75% major deciduous) <td>16.046 L₂/20 =</td> <td>803 P.</td>	16.046 L ₂ /20 =	803 P.
ACIDITY OF SLURRY, % NH ₄ N	Cloned 'A' accretion 1. P. U. / 15 L ₂ 1. P. U. / 15 L ₂	3.585 L ₂ /15 =	239.3 P.

SCREEN OF SHAKING LAT RICH ALABAMA PUBLIC N/A	Class "B" screen 1 P U / 15 L.F. Min 3" Hk. at 8" or less (incl. 1000)	1,510 Lbs./15 = 100.7 P
TOTAL		1,290.4 P.U.

*Credit will be applied for at time of final landscape plan

Public water and sewer will be provided to enclose residence

All proposed roads are public.
 Averaging daily trips are calculated from the Ballantrae District Development Manual of the Development Policy Group, Partly.
 Average Daily Trips = $115 \text{ units} \times 10 \text{ €/unit} = 1,150 \text{ MPTS}$
 Tomlinson

Drainage operation will be intended to green work needed for construction of grading, bearing vegetation consists of wooden, massive and low rigids. Prepared alkali lines are shown in the plan and will be placed and graded and kept permanently clean to ensure unobstructed work at all times.

[illegible]

Extraction	Estimated Pupils Yield
extract	Elementary 61
specimen	Middle 47
no. of	High School 30
reported	
(46)	

one of: total yards are provided, a variance may be required to extend a beyond 7.5 feet from the house.

Withdains shall be designed and constructed so as to meet the guidelines of the Fire Prevention Code and NFPA 101 Life Safety Code. Occupants shall be informed and subject to change.

A plan will be reviewed and approved by the office of Planning & Zoning on positive.

BASIC SITE DATA	274.9 AC
GROSS SITE AREA	23.6 AC.
AREA WITHIN 100 YEAR FLOODPLAIN	
AREA WITHIN AGRICULTURAL USE OR PRESERVATION	0.0 AC

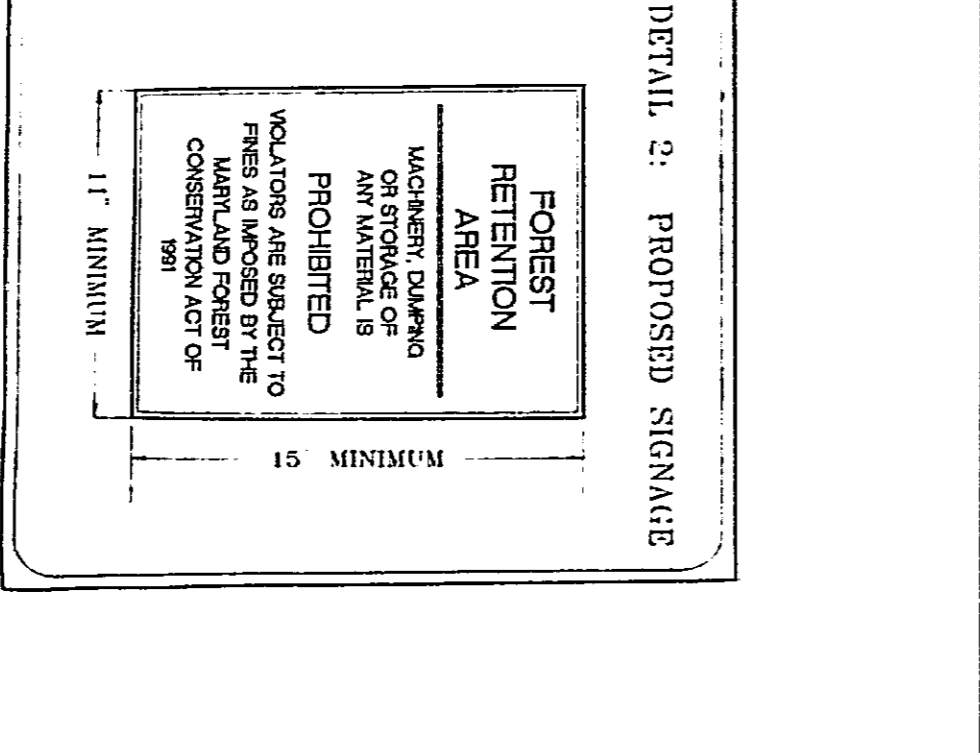
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After the boardwalk of the restaurant area has been laid and flagged and before any disturbance has taken place on site, a pre-construction meeting with contractor and Baltimore County inspectors shall take place.

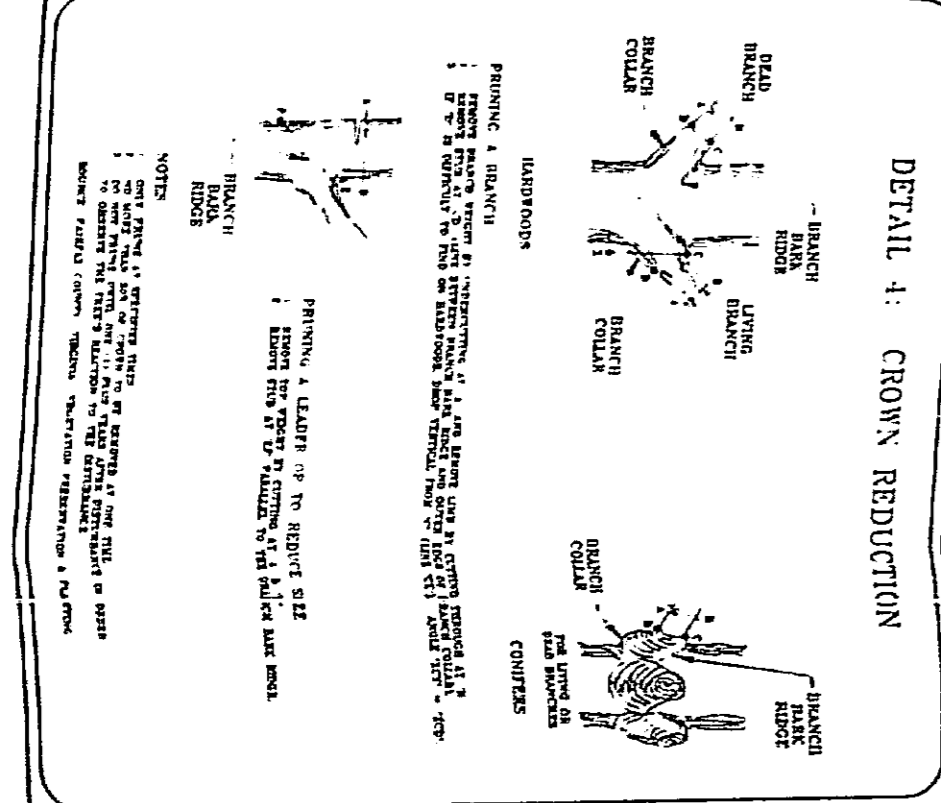
- [illegible]

Anchor posts should be minimum 2" steel
- 1" channel or U S 2" timber at least 6' in
length

Heavy anchor flanging
should be attached to
the type of the anchor



FOREST
DEFLECTION



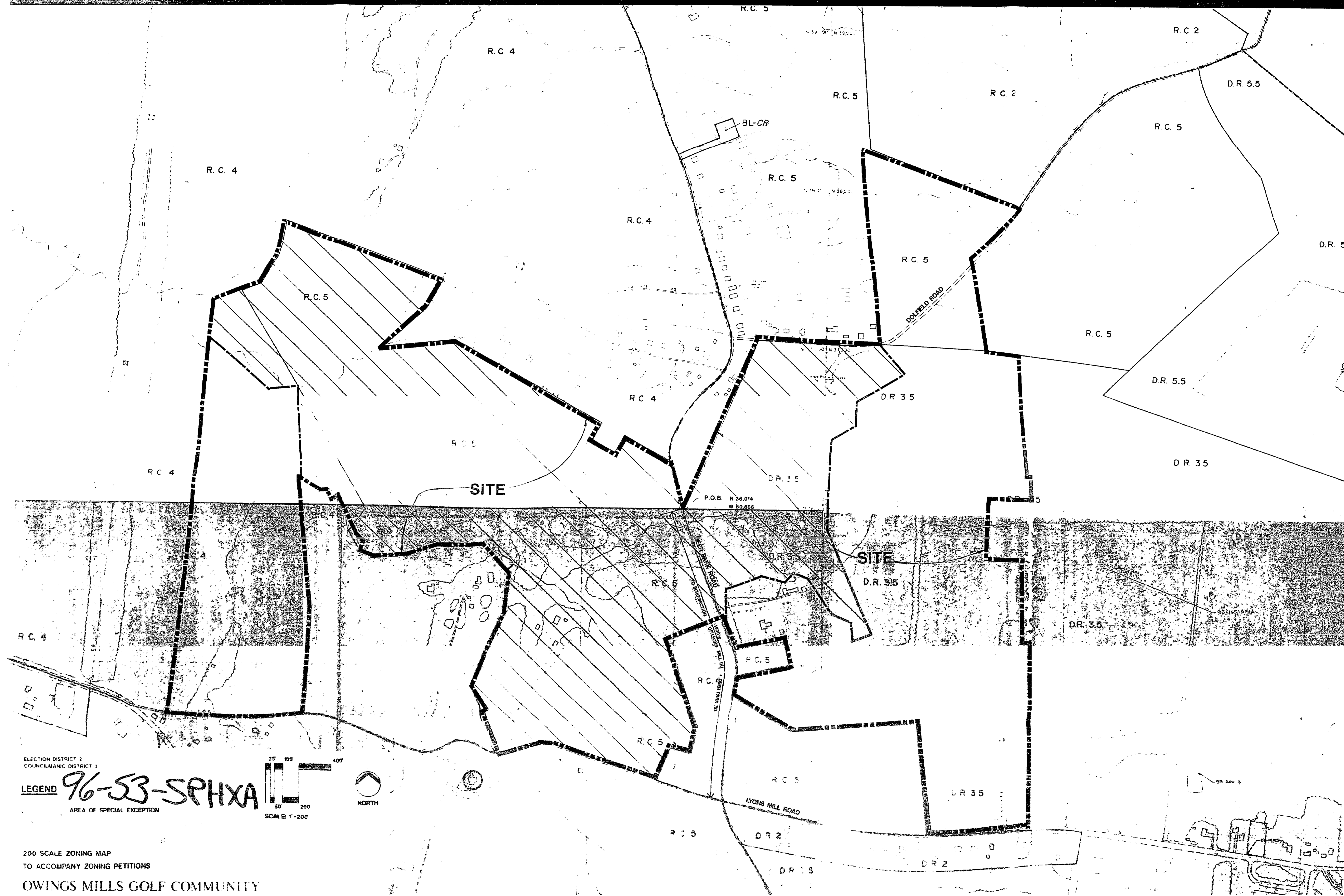
1. ALL PROPOSED ACTIVITIES SHALL CONFORM TO THE TERMS, CONDITIONS AND PROVISIONS OF AN APPROVED SOIL EROSION AND SEDIMENT CONTROL PLAN.

2. BEST MANAGEMENT PRACTICES (BMP) SHALL BE IDENTIFIED IN THE PLAN AND SHALL BE INSTALLED ALONG WITH THE ACTIVITIES THAT ARE WITHIN FIFTY FEET OF THE EROSION CONTROL LINE.

¹⁰ OF PROPOSED CONSTRUCTION ACTIVITIES, BASED UPON THE FOLLOWING FACTORS:

(A) NO PROTECTED SPECIES SHALL BE INSTALLED ALONG WITH ANY OTHER SPECIES THAT ARE GREATER THAN FIFTY (50) FEET FROM CONSTRUCTION ACTIVITY.

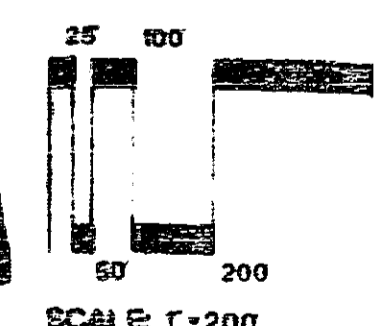
PRELIMINARY FOREST CONSERVATION PLAN OWINGS MILLS GOLF COMMUNITY



ELECTION DISTRICT 2
COUNCILMANIC DISTRICT 3

LEGEND

96-53-SPHXA
AREA OF SPECIAL EXCEPTION



200 SCALE ZONING MAP
TO ACCOMPANY ZONING PETITIONS

OWINGS MILLS GOLF COMMUNITY

months when she learned of the proposed Concept Plan for the Owings Mills Golf Community. Ms. Crowder identified the widespread community opposition to the development proposed on the Concept Plan presented at the Community Input Meetings. Ms. Crowder, like Mr. Womack and Ms. Wise, testified that before purchasing their respective homes, each of them believed (based on advice of realtors or information obtained from County-prepared documents) that the subject property would be developed with single-family homes and a golf course and that, absent the proposed development scheme shown on Developer's Exhibit No. 1 and the agreements reached with the Developer, in their respective and collective opinions the plan of development shown on the Concept Plan presented at the CIM's was contrary to the information that each relied upon in purchasing their homes.

Mr. Henry LeBrun, a representative of the Developer, appeared and testified as to the lengthy history of this project, from the initial rezoning of the land in 1988, to the present hearing. Mr. LeBrun recounted the numerous regulatory changes, including much more stringent environmental considerations that had become applicable over the years that this project has been under consideration. Mr. LeBrun also testified as to the commitment, both personally and financially, of the Developer in seeing the proposed development constructed as shown on Developer's Exhibit No. 1.

Counsel for both the Developer and the members of the Community offered a Development/Covenant Agreement that had been reached by and among the Developer,

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the Lyons Manor Community Association, Inc. as well as individual property owners (the "Private Agreement"). A "copy" of that Private Agreement was submitted as Joint Exhibit No. 1 with a description of two modifications that will be made prior to submission by all parties of a completely executed agreement. Specifically, on page five of the Private Agreement, the reference to Tavern Keep Road in the last of sentence of enumerated paragraph four is to be stricken and the words Cheltenham Court is to be substituted. The second modification will be the addition of the required signatures where shown, together with numerous signatures of individual members of the Community. The Private Agreement, as well as the Exhibits attached thereto, addresses, in a form acceptable to the Developer and the members of the Community, the conditions identified and recommended by the Planning Board. Specifically, the Developer and the members of the Community have agreed that a right-of-way, not to exceed 25 feet in width, will be shown on the subject property in a westerly direction from the existing Tavern Keep Road. The parties acknowledged at the hearing that the 50 foot wide, County-owned portion of the originally shown extension of Tavern Keep Road could not be affected by any agreement among the parties. The Developer and the members of the Community have reached agreement that there will be a maximum paved area of 14 feet in width within the said right-of-way on the subject property as it may be necessary for the provision of all public utilities. Additionally, the Developer has agreed to erect suitable barriers across the dedicated portion of the 25 foot wide right-of-way at the eastern and

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western terminus thereof. The Neighbors requested the erection of the barriers to prevent the paved section from being used as a means of public ingress or egress.

Attached as Exhibit A to the Private Agreement is a Restrictive Covenant Agreement dated October 10, 1988 which binds the subject property to certain covenants and conditions and the same is recorded among the Land Records of Baltimore County in Liber 8171, Folio 829. Consistent with the requirements of the 1988 Covenant Agreement (the "1988 Covenant Agreement"), the recommendation of the Baltimore County Planning Board and the Private Agreement reached among the parties, the Developer has agreed to begin construction on the golf course portion of the Owings Mills Golf Community at or prior to construction on the residential portion thereof and has agreed to continue in good faith with the golf course construction until complete.

With respect to compatibility, the Developer has agreed to restrict the type of residential dwellings which border the Lyons Manor Community to single-family homes only. This design is in stark contrast to the townhome layout presented at the CIM's. Additionally, prior to the issuance of any residential building permit, the Private Agreement requires the Developer to submit exterior elevations of the proposed residences, reflecting a maximum of five (5) exterior color variations per housing type of model to the Baltimore County Office of Planning and Zoning and to the Board of Lyons Manor Community Association, Inc. for review and approval to ensure architectural capability and continuity with the homes in the Lyons Manor Community. Moreover, the

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Developer has agreed that the exterior color scheme will include only tasteful, neutral, pastel and/or muted earth tone colors not incompatible with the color scheme existing in the Lyons Manor Community today. This agreement is in furtherance of the condition recommended by the Baltimore County Planning Board and in keeping with the recommendation of the Director of the Office of Planning and Zoning in his report to the Planning Board.

In order to provide a natural, landscaped buffer between the proposed development and the existing Lyons Manor Community, the Planning Board recommended a combination of vegetative and/or berming techniques. The Developer, working directly with individual lot owners within the Lyons Manor Community has agreed to a lot by lot landscaping and/or berming treatment. Specifically, Exhibit C of the Private Agreement identifies plant materials which are acceptable to the existing Lyons Manor owners and, specifies by lot the type of landscaping and/or berming to be installed. Another issue raised by members of the Community, as well as being incorporated as a recommended condition proposed by the Planning Board, was the effect of the proposed development on existing private water wells. In order to ensure that existing wells located on surrounding properties are not affected adversely by the proposed golf course development, the Developer has agreed, upon conditions specified in Exhibit D to the Private Agreement to provide a new private water well within the conditions and limitations specified. The Private Agreement reached among the Developer and the

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members of the Community provides additional protection for the members of the Community, beyond that which was included in the recommended conditions of the Planning Board. All members of the Community testifying (testifying on behalf of themselves and/or the Community as a whole), as well as the Developer, have requested that the Private Agreement be incorporated in any Order approving the Development Plan as proposed.

Prior to the conclusion of the hearing before me, Mr. Ervin McDaniel, a representative of the Office of Planning Zoning requested to take the stand with respect to the Tavern Keep Road issue. Mr. McDaniel indicated that after hearing the testimony of members of the Community and about the terms of the Private Agreement, he returned to his office and conferred directly with Mr. Arnold F. "Pat" Keller, Director of the Baltimore County Office of Planning and Zoning. Mr. McDaniels' return to the hearing was for the purposes of appearing and testifying that based upon those community concerns and the Private Agreement reached, the Office of Planning and Zoning would support the terms of the Private Agreement and encouraged the Hearing Officer to incorporate it into any Order approving the Development Plan proposed.

The review of the Development Plan in this case is a two-fold process. First, I must determine whether or not the Development Plan complies with the Development Regulations of Baltimore County and the applicable policies, rules and regulations promulgated pursuant to §2-416 of the County Code. In approving such a plan I may

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impose, within statutory limitations, such conditions as may be deemed necessary or advisable for the protection of surrounding and neighboring properties. Secondly, with respect to approval of the PUD proposed, County Code §26-206(r) *et seq.* requires that I make specific findings relative to the planned development. It is clear to this Hearing Officer that the basis for the conditions recommended by the Planning Board and the concerns of the members of the Community can be addressed and resolved by imposition of the hereinafter enumerated conditions specified in the Private Agreement, identified as Joint Exhibit 1 and incorporated herein by reference.

As to the issue of the provision of storm water management on the subject property to support the proposed public water tower, the Developer, through its representatives, at the hearing indicated that such storm water management would be made available to Baltimore County. Therefore, having addressed all the issues raised at the Hearing and by the reviewing County agencies, and resolving the same pursuant to this Order and the conditions and restrictions contained hereinafter, including those in the Private Agreement, the Development Plan for the Owings Mills golf community, as amended and introduced as Developers Exhibit 1, shall be approved, subject to the further findings, conditions and restrictions on the Planned Unit Development submitted for review.

In the review of a Planned Unit Development pursuant to County Code §26-206(q), the Hearing Officer may approve the plan as submitted by the Planning Board, approve the plan with additional modifications or conditions deemed necessary to meet the

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standards of County Code §26-206 or deny the plan. As noted previously, pursuant to County Code §26-206(r) there are numerous findings that must be made.

First, it must be determined that, based on the comments and reports of reviewing agencies, the proposed development meets the purpose, intent, conditions and standards applicable to Development Plan approval. The comments of the Office of Planning and Zoning are particularly helpful in addressing this finding. Specifically, the description of compatibility of this project with surrounding communities and the Residential Compatibility Objectives contained within the Comprehensive Manual of Development Policies is particularly instructive. As the Director of the Office of Planning and Zoning notes, similar housing types will be placed adjacent to existing residential properties, and large landscaped buffers will screen the proposed development from existing public roads and other, adjacent properties. Additionally, the Director of OPZ opined that the proposed golf course complements the Owings Mills Open Space Plan and, furthermore, provided an appropriate transition from the existing and proposed development in the area to the rural landscape. The Developer has proposed a landscape buffer in excess of two times that which is required along arterial roadways. The site specific landscape treatment proposed in Exhibit C of the Private Agreement represents further sensitive treatment by the Developer in reinforcing the character of the neighborhood and the visual quality of the proposed development. The three housing types proposed, single-family, townhome and condominium are designed to maintain a residential suburban character. Therefore,

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as modified herein, I find that the PUD Development Plan meets the intent, purpose, conditions and standards of the Baltimore County Code.

The 1988 Covenant Agreement requires that the golf course portion of the project be opened to the public and be constructed simultaneously with the construction of the proposed residential units. Mr. LeBrun, on behalf of the Developer, appeared and testified as to the development and economic history of this project which began in 1987. Mr. LeBrun described his initial involvement of the project as then proposed and the subsequent modifications, approvals and designs proposed by others. As described previously, Mr. LeBrun also testified as to the commitment, both personally and financially, of the Developer in seeing the proposed development constructed as shown on Developer's Exhibit No. 1. Testimony offered indicated that the 1988 Covenant Agreement is binding not only on the Developer, but also on any lender that may be requested to provide financing for the proposed development. Based upon the testimony of Mr. LeBrun and the required conditions of the 1988 Covenant Agreement, the expectation that the proposed development will be developed to the full extent of and fully in accordance with the PUD Development Plan is entirely reasonable.

Mr. Thaler appeared and testified on behalf of the Development Plan, the zoning relief and waivers requested and the PUD proposed. Mr. Thaler testified without objection that the PUD proposed, combined with the zoning relief and waivers requested, provides higher and more creative design than would otherwise be obtained through

ORDER RECEIVED FOR FILING
Date 10/14/95
By [Signature]

om-golf.002 October 6, 1995

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